



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



AP
ACE
IG

RT

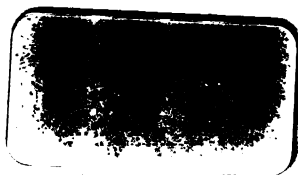
TE

L

S,

TA

STANFORD LAW LIBRARY



*Caroline Amelia Elizabeth, consort
of George IV, 1768-1821; defendant*
AN

ACCURATE REPORT

OF THE

TRIAL

OF

HER MOST GRACIOUS MAJESTY

QUEEN CAROLINE,

BEFORE THE

HOUSE OF LORDS,

ON

A BILL OF PAINS AND PENALTIES,

CHARGING HER MAJESTY WITH A

CRIMINAL INTERCOURSE

WITH A FOREIGNER NAMED

Bartolomeo Bergami.

NAMES OF COUNSEL.

FOR THE BILL.

The King's Attorney-General,
Do. Solicitor-General, and
Advocate-General.
Dr. Adams, and
Mr. James Park; with
Mr. Maule, and
Mr. Bouchier, Solicitors of the
Treasury.

AGAINST THE BILL.

The Queen's Attorney-General,
Do. Solicitor-General,
Dr. Lushington,
Mr. J. Williams,
Mr. Wilde,
Mr. Tindal; with
Mr. Vicard, the Queen's Soli-
citor.

Dublin :

PRINTED BY C. CROOKES, 83 CAPEL STREET, NEAR BOLTON ST.

1820.



BILL OF PAINS AND PENALTIES.

HOUSE OF LORDS.—JULY 4, 1820.

THE EARL OF HARROWBY presented the Report of the Secret Committee, to whom the Papers connected with his Majesty's Message had been referred, and moved, that the same be now read.

The Clerk read the Report, which was as follows:

" By the Lords' Committee, appointed a Secret Committee to examine the papers laid before the House of Lords, on Tuesday, the 6th of June last, in two sealed bags, by his Majesty's command, and to report thereupon, as they shall see fit; and to whom have been since referred several additional papers, in two sealed bags, relative to the subject matter of his Majesty's most gracious Message of the 6th of June last. Ordered to report,

" That the Committee have examined with all the attention due to so important a subject the documents which have been laid before them, and they find that those documents contain allegations, supported by the concurrent testimony of a great number of persons in various situations of life, and residing in different parts of Europe, which deeply affect the honor of the Queen, charging her Majesty with an adulterous connexion with a foreigner originally in her service, in a menial capacity; and attributing to her Majesty a continued series of conduct highly unbecoming her Majesty's rank and station, and of the most licentious character.

" These charges appear to the Committee so deeply to affect not only the honor of the Queen, but also the dignity of the Crown and the moral feelings and honour of the country, that in their opinion it is indispensable that they should become the subject of a solemn inquiry, which it appears to the Committee may be best effected in the course of a Legislative proceeding, the necessity of which they cannot but most deeply deplore."

In consequence of the recommendation of the Committee, the Earl of Liverpool, on the 5th, moved that a Bill of Pains and Penalties for depriving Caroline, Queen of England, of her rights, privileges, and prerogatives should be read a first time.

The Bill of which the following is a literal copy, was then read by the clerk:

" Whereas, in the year 1814, her Majesty, Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomo Pergami, otherwise Bartolomo Bergami, a foreigner of low station, who had before served in a similar capacity:

" And whereas, after the said Bartolomo Pergami, otherwise Bartolomo Bergami, had so entered the service of her Royal Highness

the said Princess of Wales, a most unbecoming and disgusting intimacy commenced between her Royal Highness and the said Bartolomo Pergami, otherwise Bartolomo Bergami :

" And whereas, her Royal Highness not only advanced the said Bartolomo Pergami, otherwise Bartolomo Bergami, to a high situation in her Royal Highness's household, and received him into her service, and that in high and confidential situations about her Royal Highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, obtained for him Orders of Knighthood and Titles of Honour, and conferred upon him a pretended Order of Knighthood, which her Royal Highness had taken upon herself to institute, without any just or lawful authority.

" And whereas, her said Royal Highness, whilst the said Bartolomo Pergami, was in her said service, further unmindful of her exalted rank and station, and of her duty to your Majesty, and wholly regardless of her own honor and character, conducted herself towards the said Bartolomo Pergami, otherwise Bartolomo Bergami, and in other respects, both in public and in private, in various places and countries which her Royal Highness visited, with indecent and offensive familiarity and freedom, and carried on a lecentious, disgraceful, and adulterous intercourse with the said Bartolomi Pergami, otherwise Bartolomo Bargami, which continued for a long period of time during her Royal Highnesses residence abroad, by which conduct of her said Royal Highness, great scandal and dishonour have been brought upon your Majesty's family and this kingdom.—Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said Majesty, by which she has violated the duty she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this realm, and to evince our just regard for the dignity of the Crown, and the honour of this nation, we, your Majesty's most dutiful loyal subjects, and the Lords Spiritual and Temporal and Commons in Parliament assembled, do hereby intreat your Majesty that it may be enacted, and be it enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that her said Majesty, Caroline Amelia Elizabeth, from and after the passing of this Act, shall be, and is hereby deprived of the title of Queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as Queen Consort of this realm; and that her said Majesty shall from and after the passing of this Act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of th m; and moreover, that the marriage between his Majesty and the said Caroline Amelia Elizabeth be, and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void to all intents, constructions and purposes whatsoever."

The Bill was read a first time; and ordered to be read a second time, on Thursday, the 17th, of August, 1820.

THE TRIAL OF THE QUEEN,

&c. &c. &c.

FIRST DAY.

HOUSE OF LORDS.—THURSDAY, AUGUST 17, 1820.

THE determination of his Majesty's Government to proceed with this measure created an interest fully commensurate with the importance of the occasion. At an early hour, many persons hoping that their assiduity would procure for them an opportunity of witnessing the progress of this interesting inquiry, assembled in the neighbourhood of the House of Lords. Those, however, who did not bear with them the passport of a Nobleman, or were not connected with the public press, were much disappointed. At 25 minutes past ten the Lord Chancellor arrived and took his seat on the woolsack. The Bishop of Landaff, as the junior Bishop, then read prayers. Soon after the judges made their appearance.

At 10 o'clock precisely the Order of the House was read for calling over the names of the Peers.

The Clerk then proceeded to call over the names, the Lord Chancellor informing the House, as the list proceeded, that he had received intimations from some of their Lordships not present, that some of them were incapable of attending from illness, while others claimed to be excused, being above the age of seventy.

At half-past ten, a few cheers from the populace intimated to those within the House the approach of the Queen. In a moment she entered by the door appropriated for the entrance of Peers from the robing-room. She crossed the floor of the House at the foot of the Throne, and occupied a chair placed for her in that part of the House usually appropriated to the Members of the House of Commons. She was dressed in a black satin gown and white kid gloves, and wore a white veil thrown over her head-dress, which consisted of a plain lace cap. She was accompanied by Lord A. Hamilton and Lady Hamilton.—On her entrance all the Peers rose to receive her. She bowed to them, and lolling back in her chair, surveyed the Members of the House without any apparent emotion.

On the motion that the Order of the Day be read,

The Duke of LEINSTER stated, that in pursuance of the notice he had already given to the House, of his intention to oppose the Bill in all its stages, he should, in the first instance, express his unqualified sentiments on the subject by moving, that the Order of the Day be rescinded.

.....

This question was put, and, after some confusion the House divided.—Majority against the motion 165.

The question was then put by the LORD CHANCELLOR, that the Counsel and Agents for and against the Bill should be called in.

The question was carried without a division; and it was communicated to her Majesty's Counsel, that they were at liberty to urge their objections to the principle of the Bill, either at that time or after the evidence was concluded.

Mr. BROUGHAM then came forward, for the purpose of being heard generally against the principle of the Bill; but as he spoke at great length, and as his introductory remarks were less important than those he had made in the last hour of his address, we shall omit them, with the exception of a charge brought by him against Ministers, of instituting a proceeding at this day, which would have been a disgrace to the reign of Henry VIII. After referring to the precedent of Bishop Afterbury, and noticing the inference of law, under the statute of Edward III. he went on to contend, that it was impossible, in this instance, that the succession of the throne could be in the slightest danger from any misconduct of the Queen. He insisted, that no case of paramount necessity had been established by Ministers to warrant them introducing a Bill, contrary to all law, precedent, and analogy. It had been said, that the Queen's conduct had tended to disgrace the Crown, and to injure the country; but he begged leave to ask, whether the foundation of the charges in the preamble of the Bill, if it existed at all, had not existed while the Queen was Princess of Wales, and merely the wife of a British subject; why then was not the measure introduced long ago? merely because the Prince of Wales must have sued in the ordinary manner for a divorce, and must have come into this House with clean hands. Especial care had been taken to wait until her Majesty, by her exaltation, was deprived of her private rights and remedies. This brought him to implore their Lordships to pause upon the threshold. He put out of view, at present, all question of recrimination; he had raised it for his present argument only, and he should be most deeply afflicted if, in the further progress of this illumined subject, it would be necessary for him again to recur to it. I should act, continued he, directly in the teeth of the instructions I have received from this illustrious woman; I should disobey her solemn commands if I had even used the word recrimination without being driven to it by absolute overruling necessity. I should also act in opposition to the same command, if I argued in another mode, that levity, indiscretion, or even criminal intercourse do not necessarily injure the honour of the Crown, or the character of the country. Slanders against the Queen have not been proved, but brooded and gossiped about the Continent, and collected with the utmost industry, while no such zealous watch was kept over the conduct of persons in the same illustrious family at home. In the same way I postpone all matters previous to marriage, because they are not absolutely bound in with this dangerous and tremendous question. They are not necessary to the safety of my client; if they were an advo-

.....
 one knows but one duty, and cost what it may, whatever principalities, powers or dominions he might offend, he is bound to discharge it. When, however, it is said that indiscreet conduct or improper familiarity was fatal to the dignity of the Crown, what answer can be given to the statement that a licentious, disgraceful and adulterous intercourse has been proved against one member of the Royal Family, without its being thought that the favour of the Crown or the peace of the nation were involved in it. Are we arrived at that degree of refinement in society, when things cannot be called by their proper names, and when adultery in the weaker sex is to be passed over, as a venial offence in the stronger.—I appeal to the justice of the House, to its holiness, represented by the heads of the Church, whether adultery is to be considered a crime only in a woman.—The exalted individual to whose case I now refer had confessed the commission of the crime, and is the honour of the Crown less connected with the purity of a Prince than a Princess. This allusion is wrung from me by necessity. I acknowledge with gratitude the obligations of this Country, and of Europe, to the Prince to whom I refer, and nothing can influence me to alter my recorded sense of the baseness of the conspiracy by which his failings were dragged before the Public." After further enforcing this point, he proceeded to argue that the good sense of the people of England would look upon the introduction of the honour of the Crown, and the safety of the State into this question, as a ridiculous pretext, and would say in their homely language—"Here is a man who wishes to get rid of his wife; and the peace and dearest interests of the Country, and the feelings of a rational and moral people, are to be sacrificed to the gratification of his wish." The learned Counsel next quoted the opinion of Sir W. Scott on the sanctity of the marriage contract, and observed with much severity on the artful mode in which the Country was represented, as the party prosecuting this Bill, when in fact the Attorney-General appeared as Counsel for the King. The Attorney-General, with great ingenuity, had this day kept up the practice. The sincerity of men's professions was to be judged of from their conduct, and one little action was better than the longest speech. The conduct of Ministers proved to him that the King was the party prosecuting, and that the assertions of his servants were untrue. Who had encouraged the Queen to go abroad at a time of life when she naturally sought repose from the persecutions to which she had been subject in this Country? Who had persuaded her to resist the advice of those (among whom he was one) who had ventured to stake their heads that she would be safe in England, while abroad she would be surrounded by foreigners, spies, and informers! The King's Ministers had done their utmost to promote her absence. They had promised her tranquillity, ease and liberty. There was to be no prying, no Spies, no encouragement of slander. Yet reports, daily growing blacker and more malignant, came over, and four years ago they assumed a certain degree of consistency. Still no hint was given that it would be proper to return, and he (Mr. B.) would venture his existence that any man would have been looked upon as an enemy, and

have had the doors of the Court flung in his face who had recommended that the Queen should be requested to return to this country. When she became Queen did they change their system? Did they then pretend that the honour of the Royal Family was in jeopardy, while she remained abroad, under existence circumstances? Was, in short, any thing done to vindicate the dignity of the Crown, and to avoid an enquiry most distressing to the long suffering people of England? No remonstrance was sent out; no endeavour to claim; she might do as she pleased. While the Queen continued on the Continent, she was to be pensioned to remain there, and to enjoy the rank she was supposed to have degraded, and the privileges she was said to have forfeited: she was even to have an increase of income that she might be wicked on a larger scale, and she might become a spectacle in the eyes of the foreigners, who envied and hated us. It was only when she talked of returning to England that those calumnies became important. The moment she set her foot on shore, then rose those phantoms of degraded character and insulted honour. He would not believe that Ministers themselves gave credit to the fabrications contained in the Green Bag, and he must have a mind capable of swallowing the most monstrous improbabilities, who could lend his ears for a moment to one statement in the preamble of the Bill. Mr. Brougham concluded his address in the following terms:—"I close here what I have to urge, not because what I have to urge, not because I have nothing more to urge, but because I know that your Lordships are men of justice—men of principle—men of ordinary sagacity—above all, that you are men of honour, and I am confident that I have not made my appeal to you upon this Bill in vain. True it is that a Committee of the House has reported in its favour—but he is the greatest of all fools who tells us to consult our apparent consistency at the expense of absolute ruin. The sooner you retrace the step you were induced to take in an unwary moment, the sooner you will promote the peace and real safety of the country, and the more you will consult the true dignity and honour of the Crown. If your Lordships decide that this measure shall proceed no further you will be saviours of the state, and secure the substantial happiness of the whole community."

Adjourned at a quarter past 4 o'clock.

SECOND DAY—August 18.

Shortly after nine o'clock the attendance of Peers was considerable. At ten minutes before ten o'clock the Lord Chancellor entered the House. The Judges who were in attendance yesterday, were present this day, with the addition of Mr. Justice Richardson.

The Counsel and Agents being called in:

Mr. DENMAN commenced by thanking their Lordships for the indulgence they were pleased to grant him yesterday. In adverting to the measure then before their Lordships, he submitted that the principle of the present Bill was fully open to discussion in the

same manner as if it was now for the first time brought before the House. If that were so, and the House should now take a different view of the question, he submitted he was on the very threshold of the inquiry, and there he should make his first stand. With respect to the present proceedings, he submitted that the Select Committee who had considered certain written evidence, merely reported that it was necessary a solemn inquiry should be entered into. It had not reported that the present Bill should be presented to the House, and therefore he should consider the present Bill merely as the Bill of the Noble Lord who presented it, and a Bill, which any one of their Lordships might have submitted to the House. As such, therefore, he should feel no reserve whatever in examining it and the allegations which it contained.

The Learned Counsel then commenced reading the Bill, commenting upon it as he went on. He begged leave to say, if it were to be considered as a Bill of Indictment, it was like all other indictments, for, on the face of it, a kind of evidence was introduced insidiously and jesuitically to force an unfair and an uncharitable conclusion. The person who framed that Bill had worked himself up as it were into an ebullition of moral zeal; to use expressions, the full support of which it might be hoped those bribes and base schemes which it was known existed in those countries her Majesty had visited, would produce witnesses to establish.

[At this moment her Majesty entered the House, preceded by the Usher of the Black Rod, bowing as she advanced. She was accompanied by Lady Anne Hamilton. On passing the Bar she curtsied to their Lordships. The Peers rose. The most profound silence prevailed. Those nearest to the Royal Personage bowed, and her Majesty then took a seat in front of the Bar, near her Counsel, and Lady Anne Hamilton sat down behind her. Mr. Denman paused for a few minutes till the Black Rod retired, and then proceeded in his address.]

He would defy any one to tell him on whose opinion her Majesty's conduct had deserved epithets that were conferred on it by the present Bill. Referring to a former investigation, he would call to the attention of the House the letter of Mrs. Lisle, in 1806, where "*firting*" was the severest phrase, that those who most intimately watched her Royal Highness the Princess of Wales's conduct could adopt, and yet the framer of the present Bill, had thought fit, without any evidence before the House, to present to them that Bill containing the obnoxious and the extraordinary phrases that had been read. Mrs. Lisle also lamented her Royal Highness's familiarity, but surely in the conduct of royalty, familiarity was no objection, and of that opinion in earlier days, was an illustrious personage, whom he dare not now name; but who had actually descended to such familiarity with a waiter, that that person addressed him in a note, "Sam, of the Cocoa Nut Coffee-house presents his compliments to his R. H. and begs" so and so. With jocularly that illustrious person remarked to two noble

personages present, "this is very well to us, Frank—but it won't do for him to speak so to Norfolk or Arundel!" (*Laughter.*) The Learned Counsel was unwilling to introduce, on so solemn an occasion, any thing like jocularity; but when he first read this Bill, he really thought that he had been behind the scenes in a theatre, and that he had witnessed the getting up of this grand farce, to which every one present added an ingredient, and he thought he heard *Mrs. Candour*, with an affected reluctance to scandal, suggest the insertion of the word adultery. The situation of the parties on the present occasion were far different from each other; on the one hand, the accuser must keep his station, but the accused might lose hers. Either the King had or had not been a party to the present accusation.—If he had not, surely their Lordships would not violate one of the first principles of the canon law, namely, to dissolve a marriage without the complaint of a husband. And if he had been a party—if he had put all that machinery in motion which was now in such dreadful operation, with what face would their Lordships ask the third estate, for its consent to a measure, which was adapted at its own instigation and of which its opinion had been so manifestly expressed? This was unquestionably a Bill of Divorce, and the sole object of it was to dissolve the present marriage that subsisted, in order that the King might form a new contract. Before, therefore, their Lordships could sanction such a measure, they would surely see that the accuser came into Court with clean hands. With regard to State necessity, he denied the existence of such a motive on the present occasion, because the safety of the country demanded that this measure should be abandoned. He did not attend to that which passed out of doors, but he looked to the passing of the present Act, as likely to produce the greatest affliction that would befall any country,—he meant a disputed succession to the crown, which might certainly agitate the State, if the King married again and had issue by the second marriage. He would not dispute the power of an Act of Parliament, by which the lineal descent had been regulated in former instances, and he mentioned the circumstance of the issue of Henry the Eighth being declared illegitimate by one Parliament, and fixed on the Throne in subsequent times.

After some further observations, the Learned Counsel protested in the Queen's name against all Bills of Pains and Penalties—against all Bills of that sort, especially in a case where impeachment would lie. He begged to apologize to her Majesty for putting even the hypothesis of her guilt, which he never could believe would be established; and whatever might be enacted by means of suborned perjury, or a foul conspiracy, he never would pay to any one who might usurp her situation, that respect which the laws of God and man had entitled her to alone.

At twenty-five minutes to one o'clock the Learned Gentleman concluded. After a short pause the House called upon the Attorney-General.

The ATTORNEY-GENERAL having opened his argument, proceeded to notice the various precedents cited by Mr. Brougham, particularly those of Bishop Atterbury and Lord Strafford. He then adverted to the opinion given by the Judges, that no criminal proceedings could be instituted against the Queen, under the Statue of Edward III. Had it been otherwise, he would never appear at the Bar, to support a Bill like the present, had any other remedy existed. He laboured under many disadvantages, and not the least of these was the knowledge which he had of facts he could not now disclose, and which he wished to God would never be disclosed. He wished that the House and his Learned Friends should never be made, as it were, spectators of those disgusting and licentious scenes, which the evidence would unquestionably disclose. Upon these he could not touch at present. He complained, with great warmth, of the unfair and indelicate mode of argument pursued by the other side. In adverting to the case of the Duke of York, in 1809—in harrowing up his feelings—in withdrawing the veil cast over transactions of the most painful nature—in reviving matters long buried in oblivion—in attacking with most unjust severity, an illustrious individual, at the very moment when the utmost consideration was due to him from the recent and severe loss he had sustained. Having dismissed this topic, he went on to remark upon the general law relating to adultery and divorce, and to reply to the argument of Mr. Brougham, that no notice had been given to the Queen, that a proceeding of this kind would be instituted. He allowed that this Bill was, in a degree, *ex post facto*, but necessarily so. The offence was not high treason; however abandoned and licentious the Queen might have been; however degrading and disgusting (and the more degrading, disgusting, and, perhaps, criminal, because the adulterous intercourse took place with a menial foreigner,) the conduct of the Queen might have been, she could not be punished in any other way, but by the present. The Crown was driven to it, as the only remedy. The law of the land knew no offence of adultery with a foreigner, because this foreigner owed no allegiance to the Crown, and could not be punished; and if had been adopted with the utmost regret, and not without absolute and direct compulsion. What other topics had been addressed to the House? Every advantage had been taken of the means of exciting the feelings of the House, but the question of expediency was not before their Lordships. The Queen challenged investigation—she demanded that her character and her conduct should be examined and vindicated; she could have, therefore, no objection to the measure, on the ground of expediency. As to the argument that the Bill had been delayed until her Majesty was Queen, it was used only for temporary trial, because the law applicable to her case, was precisely the same, whether she were Queen, or only Princess of Wales; as Princess of Wales, she would have been liable to the punishment of death, if the adultery had been committed with a subject of the state. The argument was, therefore, destitute of all solidity, and was merely used to catch the feelings, and produce a temporary,

but unfounded impression. Was it to be said, that because this crime had been committed out of the country, that it ought to be passed over in silence—that the Queen of England should roam about the Continent, degrading her rank, and disgracing her family, without restraint?—Unquestionably the Bill assumed that adultery had been committed; the evidence was yet to be adduced, and then the question would remain, whether the preamble had been proved, but it was wholly unfair and improper for the other side to anticipate what the decision of the House might then be. Neither principle nor precedent bore out the Queen's Counsel in asserting, that impeachment would lie, and if so, the present Bill was the only step that could be taken. He might have omitted to answer some arguments urged on the other side: to topics of declamation, he had not adverted, but he well knew that he was addressing an assembly not to be alarmed: he did not fear for the future. He had such confidence in the good sense and manliness of the people at large, that when once the facts were really known, he did not doubt that they would do justice to those persons who had instituted the present proceedings. If innocent, the Queen had nothing to fear; and if guilty, she was before her tribunal, that would take care that no injustice was done her. The result would show, that while the meanest subject had nothing to dread, when free from crime, the highest individual could not offend with impunity.

The *Solicitor-General* followed on the same side.

Mr. BROUGHAM came forward to reply. So very little had been urged in answer to the objections to the Bill that he should think it unnecessary to trouble their Lordships at any considerable length, and would thus endeavour to keep a promise more frequently made than observed.

[At this moment her Majesty re-entered the House, and took her seat below Mr. Brougham. She had quitted it when the Attorney-General rose, in all probability that her presence might put no restraint upon the expressions he should use as applicable to her conduct.]

He denied that he deviated, unnecessarily, into any points unconnected with the great question before the House. In disputing the principle of this Bill, even collateral matters became relevant, and further, in his own justification, he drew a distinction between the course he should have pursued, had this proceeding been an impeachment instead of a Bill of Pains and Penalties. He contended that Bills of Pains and Penalties, in the abstract, were most objectionable; they were contrary to the spirit of the Constitution, although, like Lord Chancellor Cooper, he admitted the case might, by possibility, occur to justify a resort to them. It was for the other side, however, to establish that justification, by proving the necessity of the Bill to accomplish the great objects now in view. It had been urged, however, that the principle of the Bill was decided, because it had been read a first time, and an order made for the hearing of Counsel on the second reading. If the principle

were in truth decided, then indeed all argument was useless, and the Queen must submit. It was, however, on the second reading that the principle was always debated, and the mouths of the Counsel were shut in the earlier stage because it was intended that it should be read at a future period. Thus it was competent to him and his Learned Friend to urge all measures of the absence of necessity and of inexpediency. He then endeavoured to answer the argument of the Attorney-General, that impeachment would not lie in this case, or at least that there was great doubt upon the point, and that in a doubtful case this Bill ought to be adopted. He (Mr. B.) insisted, that the dubiousness of the law upon this point, would not justify this Bill; and further, that the law was not in any respect dubious. The most important cases discountenanced the notion that impeachment would only lie when a known law had been violated, and Lord Coke expressly held, that the contrary was one of the prerogatives of the House of Lords. Impeachment, in truth, was necessary in cases where there was no express law that could be infringed. Such, generally, was the situation of public functionaries, who misconducted themselves in their offices. He then noticed the precedents on the subject as far as the reign of Edward III., and coming down to the case of Mr. Hastings, all of which, as he contended, asserted the right of Parliament to impeach for matters of which no court of law could have cognizance. The chief argument on the other side had been, that this Bill ought to be adopted, because an indictment for high treason would not lie; but this depended upon the opinion of the Judges on a point that had never occurred since the passing of the statute of treasons. The great point made by the Solicitor-General was, that this measure was merely a Bill of Divorce, and that the King ought not to be deprived of a remedy enjoyed by all his subjects. He (Mr. B.) required no better admission, for where could an instance be found, of a Bill of Divorce without proof, in the first place, in the Ecclesiastical Court, of the foul crime of adultery. The terms of the preamble of this Bill, "Adulterous Intercourse," were unknown there. In addition, it was important to observe, that the conduct of the party suing for a Divorce Bill was always taken into the account. Some further remarks on the impolicy of the measure terminated his reply.

Lord KING rose, to bring forward a Resolution, which, however, he should not now press upon the attention of the House. The object of it was to declare that the Bill now pending against the Queen, was neither requisite for the preservation of the public peace, nor for the cause of morality. He postponed any motion for the subject until to-morrow.

Adjourned at a quarter past four.

THIRD DAY—AUGUST 19.

Lord KING rose, according to notice, and moved,
 "That it is the opinion of the Peers of this House, that it is not necessary to the public interest, nor conducive to public benefit, for the Bill before the House to pass into a law."—After some discussion Lord Liverpool moved an amendment "that Counsel be now called in."

The LORD CHANCELLOR proceeded to put the original question, and then the amendment of Lord Liverpool, "That Counsel be called in; upon which latter, after a few words in explanation between Earl Grey, the Earl of Liverpool, Earl Morton and the Lord Chancellor, their Lordships finally divided; the numbers being—Contents 181 Non Contents 65 Majority 116.

The Counsel were then called in; and the Attorney-General and the Counsel for the Crown, on the one side; and Mr. Brougham, and the Counsel for the Queen on the other, appeared at the Bar.

The LORD CHANCELLOR—"Mr. Attorney-General, you will proceed to open your case."

CHARGES AGAINST THE QUEEN.

The ATTORNEY-GENERAL proceeded immediately to state the charges against her Majesty. The Learned Counsel commenced his address in a very low tone of voice. After some preliminary observations he proceeded to say, that, in the year 1814, her Majesty, for reasons originating in her own mind, withdrew herself from this country. She went in the first instance to Brunswick, and from thence to Italy, and arrived at Milan on the 9th of October, 1814. Her Majesty when she quitted this country was accompanied by individuals connected with distinguished families in this kingdom. Among these were Lady Charlotte Lindsay and Lady Elizabeth Forbes, who were her maids of honour; Mr. St. Leger, who was her Chamberlain, and Sir William Gell and the Hon. Keppel Craven, who, I believe, were attached to her in a similar character. She was also accompanied by Captain Este, as her equerry, and Dr. Holland, as her physician, beside other persons whom it is unnecessary to enumerate. With this suite her Majesty arrived at Milan. It was her intention to proceed to other parts of Italy, and to visit Naples. She remained at Milan for the space of three weeks, and during that period a person was received into her service, whose name occurred in the preamble of this Bill, and whose name will frequently occur in the course of these proceedings,—a person of the name of Bergami, who was received by her as a Courier, or footman, or *valet de place*. This person, at the time he entered into her Majesty's service, was in want of employment; but he had been in the service of General Pino, and being recommended to her Majesty, though it did not appear how he was recommended, he was received into her suite in the character and capacity which he had stated. Her Majesty, on quitting Milan, proceeded to Rome, and from thence she went to Naples, where she arrived on the 8th

of November, 1814. This person had not been in her Majesty's service more than three weeks. He should have stated that, besides the persons whom he mentioned as accompanying her Majesty from this country, there was a lad whose name was perhaps familiar to their Lordships—he meant William Austin. Up to the time of her Majesty's arrival at Naples, this lad was the object of her peculiar attention, and, in fact, being a boy of only six or seven years of age, was in the habit of sleeping in a bed in the same room with her Majesty. The arrangement of her Majesty's own sleeping apartment devolved upon one servant, whose peculiar duty it was to attend to that branch of her domestic comfort. On the arrival of her Majesty's suite at Naples, it was so arranged that her Majesty's sleeping-room was at an opposite side of the house to that of her menial domestics, among whom was her courier. On the first night of her Majesty's arrival at Naples (the 8th of November) to which he had called their Lordship's attention, this arrangement was continued. Bergami slept in that part of the house which had been prepared for the domestics, and young Austin slept in her Majesty's apartment. But on the following morning, November the Ninth, the servants of the Establishment learned with some surprise that Bergami was no longer to sleep in that part of the house where he had slept the night preceding; but that it was her Majesty's pleasure that he should sleep in a room from which there was a free communication with that of her Majesty, by means of a corridor or passage. He need not state, that such a circumstance was calculated to excite the surprise of those who were about her Majesty's person; and that surprise was increased when they learnt from her Majesty that she no longer wished William Austin to continue to sleep in her room. For this she assigned a reason, which if it was her only motive, was very proper; she said that he had now arrived at an age when it was no longer becoming that he should sleep in her apartment, and a separate room was prepared for his use. Upon the evening of the 9th of November, her Majesty went to the opera at Naples, but it was observed that she returned home at a very early hour. The person who waited upon her, on her return, was the maid-servant, whose duty it was particularly to attend to her bed-room. She was struck with the manner of the Princess, and with the agitation which she manifested. She soon retired; but not without those suspicions which the circumstances mentioned were calculated to excite. She knew, at the time, that Bergami was in his bed-room, for this was the first night of his taken advantage of the arrangement which had been previously made. The following morning, on observing the state of her room, it was evident that her Majesty had not slept in her own bed that night. Her bed remained in the same state as on the preceding evening, while the bed of the other person had, to those who saw it, clear and decisive marks of two persons having slept in it. Her Majesty did not make her usual signal on rising, but remained in the apartments with Bergami until a late hour. As she had recently

arrived in Naples, some persons of distinction were naturally led to pay their respects to her; several called on her that morning, but she was accessible to none. It was in a short time observed, that Bergami became more haughty; that he took upon himself an air of greater importance, which grew as the intercourse with her Majesty proceeded. A few days after the time to which he had called the attention of their Lordships, her Majesty gave a masked ball, to the person at that time filling the Neapolitan throne, and at a house belonging to the King of Naples. On this occasion her Majesty first took the character of a Neapolitan peasant, but after a time returned to the house at which she had attired herself (not that where she resided,) and withdrew to a room for the purpose of changing her dress. To the surprise of her attendants, instead of being accompanied for this purpose by the females who usually assisted her, the courier Bergami was sent for to withdraw with the Queen, to assist her in changing her dress. It seemed also to have been the intention of her Majesty, to appear in another character—that of the Genius of History: and she was to be accompanied by a gentleman. He (the Attorney-General) was instructed to state, that the dress she wore upon this occasion, (or rather the want of it in part) was extremely indecent and disgusting; but the material fact was this—that change of dress took place in the presence, and with the assistance of the courier Bergami, and no other person.—Another character she assumed was that of a Turkish peasant: and this menial Bergami in a corresponding dress, actually accompanied the Queen to this entertainment. It appeared, however, that Bergami did not remain long at this ball. He returned home apparently dissatisfied with something that had occurred. Her Majesty came home soon after, and endeavoured to prevail on him to go back to the ball, but he declined going. She then went back by herself: but, after remaining only a short time, her Majesty, much disappointed, returned to her house, the apartments of which had been arranged as he had already described. It was observed by those who attended on her, that she and Bergami always rose at the same hour in the morning, and it would be also proved that her Majesty was in the habit of breakfasting with this courier in a particular apartment, completely secluded from all the rest of the family. Their Lordships would recollect that this man, while thus honoured, was still a courier. There was a terrace in front of the house on which her Majesty was often seen walking accompanied by this man, walking occasionally arm in arm with the courier. During her Majesty's stay in Naples this person received an injury by a kick from a horse, and this was one of the circumstances which tended to show the influence he had acquired over his Royal Mistress. He had obtained such an ascendancy, that he had it in his power to introduce into the house a servant to wait upon himself.—This man slept in a room close to that allotted to Bergami; and during the time he was in attendance, he observed her Majesty two or three different times advancing, after all the other domestics were retired to rest, with great care and caution from her own apartment to Bergami's room. Into that room

she entered, and each time remained in it for a considerable period; and he had further to state, that on one occasion, after she had entered, a sound was heard, which convinced the person who observed this proceeding that her Majesty and Bergami were kissing each other. Her Majesty remained in Naples from November to March, and it would be proved that during the whole of that period the kind of intimacy he had described as existing between her Majesty and Bergami continued to increase. It certainly was not his wish to found any argument on statements which rested merely on public rumour, but he could not help alluding to one remarkable circumstance, and leaving it, connected with the others, for their Lordship's consideration. It was certainly singular, that on leaving Naples her Majesty was abandoned by the greater part of her English suite.—Mr. St. Ledger, it was true, quitted her before; he left her at Brunswick, and he therefore admitted that no inference could be drawn from his case. But on her Majesty's departure from Naples, Lady Charlotte Lindsay, and Lady Elizabeth Forbes were left behind. No, he begged pardon, Lady C. Lindsay did not leave the Queen until they were at Leghorn, in March 1815. At Naples, however, Lady Forbes, Sir Wm. Gell, the Hon. Mr. Craven, and Captain Este certainly did separate from her. Thus, of the seven persons who composed her Majesty's suite when she left this country, no less than four left her in Naples. There might be, and perhaps would be, in another part of the proceedings, assigned on the part of these persons, reasons for this act which had nothing to do with the conduct of the Queen; but he could not help thinking it extremely singular that he should at this particular time have lost so large a portion of the suite that accompanied her on her departure from England. During her Majesty's residence at Naples another circumstance took place to which it was his duty to call their Lordship's attention. A masquerade was held at a Theatre called, he believed, the Theatre of St. Charles. To this entertainment her Majesty chose to go in a very extraordinary manner, accompanied not by Lady Charlotte Lindsay, or Lady Elizabeth Forbes, or even by any of the gentlemen of her suite, but by the courier Bergami and a *femme de chambre* of the name of Dumont. The dresses chosen by her Majesty for herself and her companions to appear on this occasion were, as he was instructed, of a description so indecent as to attract the attention of the whole company, and to call forth marks of general disapprobation. Indeed, so strong was the disapprobation, that her Majesty, finding she was recognized, was under the necessity of withdrawing with her companions from the entertainment, and returning home. There was also something extraordinary in the manner in which she was conveyed to this theatre. How did she go? Not publicly, in her own carriage, attended by her suite; not from the public door of her residence, but a common fiacre was stationed behind her house, and she crossed the garden privately, and in the darkness of the night, to this vehicle, which was waiting at the garden-gate. Upon her Majesty's quitting Naples, in the month of March, she proceeded to Rome. She remained, however,

some days at Civita Vecchia, and afterwards embarked for Genoa, leaving in the course of her voyage Lady Charlotte Lindsay at Leghorn. Thus at this period she had no English lady in her suite. At Genoa she was joined by Lady Charlotte Campbell, who remained with her until the May following, and then left her at Milan. The vessel which conveyed her Majesty and her suite was the *Clorinda*; and he should have observed that on embarking, Bergami still filled the situation of courier, and waited upon her at table during the whole of the voyage to Genoa. When there, it was observed that the intimacy between the Queen and Bergami continued unchanged, and that the freedoms in which he indulged increased. He frequently took the liberty of withdrawing from the menial services it was his duty to perform, and accompanied her Majesty in all her rides and walks about Genoa. He had a bedroom as usual near her Majesty's, and here the same observation was made as at Naples, but more frequently, that her Majesty's bed seldom appeared to have been slept in.—There was sometimes an appearance of her bed being pressed down as if on purpose, but in general the servants did not make her Majesty's bed, because it was so little discomposed that they found the trouble quite unnecessary, and seldom did more than smooth down the coverlet. Here she and the courier Bergami breakfasted in the same apartment, in a retired part of the house. He now came to some of the circumstances which peculiarly marked the power this man had obtained over her Majesty. This favourite was a married man. He had a daughter named Victorine; this child he brought to the Queen, and she was taken by her Majesty into her household. His brother had previously been employed in a menial capacity. A person of the name of Fanstina was engaged for the purpose of taking care of this child. This person proved to be one of the sisters of Bergami. His mother had also been taken into the house.—Thus it appeared that merely from affection to this man her Majesty had been induced to take upon herself the charge of maintaining his mother, his brother, his sister, and his child. The child was at this time three years old. And who was employed to take care of her? One would have naturally supposed that she would have been committed to the care of her mother and the wife of Bergami. It was natural to think that she was the person best fitted to watch over the health of the infant; but the mother was not received into the house, and the infant was withdrawn from the fostering hand best calculated to attend to its wants. Here, however, it was to be observed, that though her Majesty knew that Bergami was married, she gave out to those about her that he was not. She stated that the child which she was anxious to take under her royal protection was Bergami's by some illicit connexion. That Bergami was an unmarried man, who had had a child, this surely, was not a recommendation calculated to increase the regard of a mistress for her servant; she, however, made no difficulty on this point, but, as he had stated, received the child into her house. In the month of May, her Majesty removed from Genoa to Milan, leaving Lady Charlotte Campbell

behind. She was afterwards joined by this Lady at Milan, who very soon after had quitted the family.—When Lady Charlotte Campbell left her Majesty, no English lady remained in her suite. One would have thought that, considering the high rank which she occupied—considering that she was in the situation of expecting soon to become Queen Consort of this country—one would have thought that she would have been anxious to have had constantly about her person some English Ladies of distinction, or, at least, that she would have looked out for Ladies of similar rank in her native country of Brunswick, or in that part of the Continent in which she resided. But, quite the contrary, she received here into her service and confidence a person whom she had never seen before, a person of vulgar manners and totally uneducated; and (was it credible?) this person was another sister of Bergami's. Such was the power of this man over her, that this person, dignified by the title of Countess of Oldi, was received into her house as her principal attendant. Thus their Lordships had now under the same roof with her Majesty, two sisters, the mother, the brother, and the child of Bergami; one sister sitting at the table with the Queen as her lady of honor, while the other dined with the servants.—The brother, who, he believed, was also a courier, the mother, and Bergami, lived at this time with the sister among the servants. This was the state of things in May, 1815. Bergami was anxious that this new lady of honor should not be made known to be his sister; but the fact existed, that this person, called the Countess of Oldi, whom her Majesty had made her companion and placed in the same situation which had been formerly filled by the Ladies Elizabeth Forbes, Charlotte Lindsay, and Charlotte Campbell, was no other than the sister of the courier Bergami? Her Majesty did not continue long at Milan; she set out on a tour to Venice, still accompanied by her courier Bergami, whom she treated with the usual familiarity. In this journey to Venice, which took place in the month of May or of June, 1815, she was accompanied by Mr. Drummond Burrell.

Lord GWYDIR here rose, and stated that the Learned Counsel was not correct. Mr. Drummond Burrell had not accompanied the Queen to Venice in the journey alluded to.

The ATTORNEY-GENERAL was sorry he had unintentionally misstated the name of the Gentleman who was at this time with the Queen. He ought to have said Mr. W. Burrell, not Mr. Drummond Burrell. He was the only English Gentleman who accompanied her Majesty to Venice. Her Majesty resided at an hotel in Venice. One day after she had dined, during which time Bergami had waited on her at table, she was observed by one of the servants of the hotel to take a gold chain off her neck, and put it on his; this transaction was accompanied by much familiarity and playfulness. Bergami withdrew the chain from his neck, and replaced it on the person of her Majesty. On the return of the Queen to Milan, Mr. W. Burrell quitted her Majesty's service at the villa Villani. It was observed, that in proportion as the English left

her Majesty, she became less and less reserved in her intercourse with Bergami. In this villa it was observed that she presented him with a gown of blue silk which she had worn, and which he afterwards wore in the mornings; it was also observed that there as at all other places, his room was very near her's, and that there was a communication between the apartments which might facilitate the passing from one to the other without the notice of the servants. After Mr. Burrell was gone, and there was no longer any English in her Majesty's train, her familiarities with all her servants became greater. She frequently played at games with them. Having left the villa Villani, she visited in August 1815, Mont St. Gothard, still accompanied by Bergami. At Vanues, a very remarkable transaction took place. Her Majesty stopped at an inn in that place, where she dined, and it would appear in evidence that she retired with Bergami to a bed-room, and was there locked up with him for a considerable time. He was still in the character of a courier. After dinner they visited Madona del Monte, where they slept, and next day went to Berroneo. When her Majesty came from Germany she had been at this place, and then the best room which the hotel afforded had been assigned to her. It was naturally to be expected that she would occupy the same room again, and it was at her command; but this room had no communication with any other, and it was therefore worthy of remark, that on this second visit to Berroneo she selected another and very inferior apartment, but which communicated directly with Bergami's room. This conduct was surely very singular. Her Majesty next proceeded to Bellinzoni, and here the intimacy between her and Bergami continued, and his influence was carried to such a height, that he now sat at table with her.—He had never before attempted this publicly, though they had often breakfasted together privately. Did this conduct accord with the dignity becoming a Princess? What entitled this man to such an honour? If his merits justified his promotion, would it not have been more becoming to have raised him to those dignities which he had since obtained, before such marked favour was shown to him? But her Majesty's zeal to reward him was too impatient for delay. Could this, he asked their Lordships, be regarded as mere levity, as a pardonable familiarity resulting from foreign manners, or a natural vivacity of spirits? The next visit was to Lugano, where their Lordships would find decisive evidence that the same adulterous intercourse which had taken place elsewhere was renewed. On their return from this tour the Princess established herself near Como, in a place called Deste. Here, their rooms were divided only by a small cabinet, and were apart from those occupied by the rest of the family. Here too, as on former occasions, they retired at night and rose in the morning about the same time. It was now conceived that appearances would be better preserved if Bergami were raised to a higher rank in the Princess's service, and he was accordingly appointed her chamberlain. After this advancement he always dined at her table, together with her *dame d'honneur*, the Countess

Oldi, his sister. She remained here till 1815, when she embarked on board the *Leviathan* on a voyage to Sicily. The best arrangements which suggested themselves at this time were made for her accommodation, and a cabin adjoining to her's was fitted up for two female attendants. When, however, she came on board, directions were given to alter the arrangement, and the cabin just mentioned was appropriated to the use of Bergami. In the course of her voyage she visited Elba, and arrived at Palermo on the 26th of November. Bergami still dined at her table, and it was remarkable that on their travels they endeavoured to avoid as much as possible the observation of English persons. At Palermo the Princess went to Court with Bergami in a magnificent hussar dress. From thence she departed and went to Massina, where she remained till the 5th of January, 1816. Here her bed-room was, as on the preceding occasions, near to that of Bergami, separated from it however, by that in which the Countess Oldi (his sister) slept. The outer room was always kept locked, but a female servant frequently overheard her in conversation with Bergami. This servant, when sent for, had more than once observed her coming un-dressed from the direction of Bergami's chamber through that of the Countess Oldi. It was remarked also, that they frequently retired at an early hour, and were not seen again till the following day. She called him "her friend," and sometimes "her heart." On the 6th of January she embarked on board his Majesty's frigate the *Clorinde*, the same vessel in which she had formerly sailed, and commanded by the same officer. Bergami who, on the previous voyage had attended as her menial servant, was now her chamberlain, but the honourable and gallant officer who commanded, felt that he should degrade himself by sitting at the same table with a person whom he had known in his former capacity. Captain Pechell, therefore, entreated her that, if she condescended to come on board his ship, she would spare him the disgrace and scandal of sitting at a table with a menial servant. The conduct of her Majesty proved what were her feelings, and the impression made on them by the force of this objection. Had Bergami obtained the dignity he then held, by worthy means; had his merits or fidelity entitled him to such distinction, would not her Majesty have expressed the utmost resentment at Capt. Pechell's objection? But the inward consciousness that the advancement of that person originated in a licentious passion, and was founded on a gross and scandalous intercourse, prevented the adoption of a step which would otherwise have been perfectly natural. She took a day or two to deliberate whether she should give up the society of her paramour for that of Capt. Pechell, and stated to the latter, that Capt. Briggs, of the *Leviathan*, had not objected to the admission of Bergami to his table. The answer was, that there was this material difference between the situation of Capt. Briggs and Capt. Pechell, that the former had never known Bergami in his menial situation, but that he had actually waited behind Captain Pechell's chair. She landed at Syracuse where a similar arrangement as to the selection of rooms was again made, and, after a stay of three days, she

proceeded to Catania. Here Bergami's bed-room was at first at a distance from her's, but a change soon took place, and means were adopted to secure a regular access. Again it was observed that they retired at an earlier hour than other persons, and on one occasion the *filles de chambre* having sat up later than usual, observed the door of Bergami's room open, and the Princess coming out of it under circumstances which satisfied them that she had passed the night there. She was undressed, and had under her arm the pillow on which it was her uniform custom to sleep. It would appear too, that her Majesty had conceived an extraordinary fondness for an infant child of Bergami, between two and three years old, which slept in the same room, and often in the same bed with her. She treated it with every mark of parental affection, sometimes calling it 'princess;' and the child, on the other hand, would cry, and was with difficulty pacified when she happened to quit the room. The child called 'mamma;' and these circumstances altogether persuaded the servants at Catania that it was not the first occasion on which an adulterous intercourse had been carried on. Having conferred so many honours on Bergami, she now procured for him the dignity of a Knight of Malta, and always addressed him as Chevalier. What necessity was there for this, or what reason, but that guilty attachment which had been so often indicated could be assigned for it?—Whilst at Catania, the nobility tendered to her their respects, and she enjoyed at first the society of the first persons there; but after a short residence she became indifferent to all society but that of her paramour, and they gradually withdrew. From this place she proceeded to Augusta.

It being now four o'clock, the Lord Chancellor moved an adjournment.

FOURTH DAY—August 21.

The ATTORNEY-GENERAL being summoned, proceeded as follows:—I have now, my Lords to resume the statements of the facts that will be adduced in evidence before your Lordships in support of the charges against her Majesty. I have already stated to your Lordships, that during her Majesty's stay at Catania, she had procured for the person called Bergami the title of Knight of Malta. Soon after her arrival at Augusta, not satisfied with conferring upon him this honour, she procured for him a still higher title, namely, that of the Baron Della Francina; and, after that, he was always addressed by her Majesty and her suit by the title of M. de Baron. I am not aware that even this additional distinction could have justified that familiar intercourse, which I have already described to your Lordships, as having taken place between this person and her Majesty, and which I apprehend must satisfy your Lordships, not only that the most disgusting indecencies had taken place, but that repeated acts of adultery had been committed. I should have stated to your Lordships, that during her Majesty's stay at Catania and Augusta, her Majesty sat for her picture. Two were taken, one or two of which were pre-

resented by her to Bergami. In one she was drawn in the character of a Magdalene, with her person considerably exposed ; and in the other she was drawn as a Turkish female, and in this picture the infant Victorine was introduced in a Turkish dress. A picture of Bergami was also taken for her Majesty in a Turkish dress, and this picture was presented by her Majesty to Bergami. My lords, as I have already stated, it is impossible to account for these extraordinary marks of favour bestowed on the courier Bergami, upon any other ground than that the most criminal intercourse had taken place, which I have described. From Augusta her Majesty set sail for Tunis, in Africa, and she afterwards visited Greece and other parts of Europe, and for that purpose she hired a vessel called a polacca. It will be important for your Lordships again to advert to the arrangements made on the part of her Majesty with respect to the accommodation of herself and her suite on board this vessel. When first she went on board, her Majesty's sleeping apartment adjoined to that of the Countess of Oldi and both their rooms were within another formerly used as a bed-room, and had an internal communication with one another. In this room there were two doors. For a few nights Bergami's sleeping apartment was at a distance from that of her majesty. One of the doors into the room was closed.—Previous to this arrangement there had been no bed in the dining-room ; but upon its taking place, a bed was brought into it for the accommodation of Bergami, and, my Lords, that bed was placed in such a situation, that when the door of her Majesty's bed-room opened, the persons who slept in them might see and converse with each other from the two apartments whilst in bed. No one could get to her Majesty's bed-room without going through Bergami's. This took place in the course of her voyage to Tunis. When the dining-room door was shut, all communication with her Majesty was cut off, except between her Majesty and Bergami. It was observed, that when Bergami and her Majesty retired to rest, the dining-room door was always locked. This was only a continuance of the system. Indeed, wherever she went, whether by sea or land, the same arrangement took place. The contiguity of her Majesty's bed-room with that of Bergami can leave no doubt in any man's mind of the criminal intercourse which took place between them. It is impossible to assign any other reason for this arrangement of their sleeping places, but for the purpose of facilitating a criminal intercourse. Why was he alone selected to sleep so near her Majesty? Her Majesty went in this manner to Tunis and thence to Utica. At Utica she slept, and the arrangement of her apartments was not quite the same as before. In the house where she was accommodated there were but two sleeping rooms, in one of which her Majesty and the child Victorine slept, and in the other the Countess Oldi and two female servants, the rest of the people sleeping in the house of the Consul resident there. It will appear to your Lordships, that in the morning early after the night her Majesty slept there, Bergami came to her Majesty's bed-room long before she had risen from bed. Here, as at other places, Bergami had access to her bed-room without any restriction. He entered into her Majesty's

chamber without any ceremony, she being then in bed, and remain there a considerable time. Need I ask, for what purpose her Majesty, at that early hour, before she had arisen from her bed, could have required the attendance of Bergami? No female of any rank at home or abroad would have suffered such a liberty. Does any man doubt it? It is true, Bergami was then appointed her Majesty's Chamberlain, and was raised to the dignity of a Baron, but surely these titles of dignity did not furnish a reason why this person was to have access to her Majesty's bed-room at such an unseasonable hour. Her Majesty thus demeaned herself at Utica, on April 8, 1816. On the 12th of that month she arrived at Sabona. At that place a large bed was provided for her Majesty, and the room adjoining to it was appropriated to Bergami, but there was no bed allotted to him. It will appear to your Lordships, that in the morning after her Majesty slept in that bed, there was the visible and unquestionable appearance of two persons having passed the night there. Can your Lordships doubt who were those persons? The only person beside her Majesty who could have had access to that bed was Bergami, and there was no other bed provided for him. In ordinary cases, that fact alone would be sufficient to satisfy the most sceptical mind that the crime of adultery was committed; but is there room for the possibility of doubt, after the continual and notorious familiarity which had so long subsisted between these parties, that adultery was committed on that occasion? From Africa her Majesty sailed to Athens, where she arrived on the 22d of April, 1816, having touched for a day at Malta. After visiting some of the Grecian Islands, she proceeded from Athens to Constantinople, and thence to Ephesus. In order to shew the familiarity which existed between the parties, I shall shew, that whilst at Athens, the Captain of an English ship, which had arrived, went to pay his respects to her Majesty. He found her in an alcove, in company with Bergami and the Countess Oldi. Bergami, according to the description of the officer, wore a foraging cap. Her Majesty with the politeness which distinguishes persons of her high rank, rose to receive the officer, and desired him to sit down. Bergami remained seated, and after some time, got up, and retired without the least obeisance, which the highest officers in Courts should pay to those whom they serve, and seemed to consider as if he were equal in rank to her Royal Highness. I mean to adduce this fact, to shew how little there was of that respect on the part of Bergami to her Royal Highness, which must have existed if improper familiarities had not taken place between them. Her Majesty, as I have stated, after having been at Athens and Constantinople, visited Ephesus, and at the latter place a fact occurred which will convince your Lordships of the nature of the connection between her and Bergami. Her Majesty ordered a bed to be prepared for her in the vestibule of a church, which happened to be surrounded by trees. Her Majesty's dinner was provided by her direction at her residence. But having, during the heat of the day, retired to the bed in the vestibule to repose, Bergami was, after some time, observed to come

from it, he, and he only, having been there with her Majesty. Her Majesty's dinner was brought to the vestibule, and she and Bergami dined there. Her Majesty was, on the same day, observed sitting on a travelling bed which she carried with her, Bergami being seated on the floor near her. After dinner Bergami was for a considerable time alone in the vestibule with her Majesty. At other places, also, this conduct was pursued. At Aum, (a city) her Majesty had a tent fitted up, in which a bed was placed. Her Majesty was seen in that bed undressed; Bergami sitting in his shirt sleeves, almost undressed, on the side of the bed. They remained there a very considerable time; after which, Bergami was observed coming from the tent *en dishabille*, her Majesty being still undressed and in bed. I ask your Lordships, if you can, after hearing this fact, which took place in the open day, doubt that an adulterous intercourse existed between her Majesty and this man?—If her Majesty, while in bed, required an attendant, why not a female selected? why was not the Countess of Oldi called upon? I may be told, that this is matter of strong suspicion, but that I must go much further to establish the adultery. I say, that in ordinary cases, this would be sufficient proof. But it is not an isolated fact—it is one of a series of circumstances, which go to establish, beyond a doubt, the adulterous intercourse which existed. What woman of virtue or delicacy—what woman who had not granted a man the last liberty that a woman could grant, would allow him to be in her bed-room alone, she being undressed and in bed? At Jerusalem, her Majesty, not satisfied with having made Bergami a Knight of Malta, had him made also a Knight of St. Sepulchre, a Catholic Order; nay, further, not satisfied with even this, her Majesty created a new Order, the Order of St. Caroline, of which, after having conferred it on some of her servants, she made Bergami the Grand Master.—(A laugh.) If any doubt existed after this of the criminal intercourse, he should state a fact which would take away all doubt. Her Majesty embarked on board the *polacca*, at Gaeta, to return to Italy. The weather being excessively hot, her Majesty found it inconvenient to occupy her former apartments, and a tent was erected for her Majesty to sleep in on deck, and in that tent a sofa or bed was placed for her Majesty; and without any partition, a sofa or bed was also placed for Bergami. By day the curtains of the tent were raised to admit the air; at night, the lower part of the tent was let down, so as to prevent observation, and in that tent her Majesty and Bergami remained night after night, the bed of her Majesty and Bergami being close to each other, and without separation. This intercourse was not confined to the night; but her Majesty and Bergami frequently retired to this tent in the course of the day, when the same precaution was observed of letting down that part of the tent which was exposed to observation. I ask your Lordships whether any evidence could be more decisive of the fact of adulterous intercourse, which is alleged in the preamble of the Bill? Was it ever heard of that a female should, night after night, receive a man into her chamber, unless such an adulterous intercourse existed be-

tween them? When this circumstance is connected with others, when they are seen caressing each other during the day, when her Majesty is occasionally seen sitting upon Bergami's knees, I think no man can hesitate for a moment as to the conclusion, to which all these circumstances inevitably lead. There were other indecent familiarities which took place in the course of this voyage, all leading to the same conclusion. Her Majesty used the bath more than once, while she remained on board this vessel. Bergami accompanied her to the bath, and was the only person who remained with her while bathing. The facts which I have stated to have taken place on board the Polacca, would of themselves be decisive evidence of the preamble of the Bill. Upon her arrival in Italy, in September 1816, she proceeded to the house at the Villa de E'ste, which she occupied, on the Lake of Como, previous to her departure. On her arrival, Lewis, the brother of Bergami, was advanced to the situation of the Prefect of the Palace. He had before dined at a separate table with Faustina, the other sister.—A cousin of Bergami was also admitted into her service, and made Comptroller of the Household, and the mother of Bergami, who had hitherto been familiarly called grandmother, was ordered to be addressed by the name of Madame Livia. During her Majesty's absence, a theatre had been erected at the Villa d'Este. At this theatre her Majesty performed plays with Bergami and others, frequently assuming the part of servant, and other low characters. It will be observed, however, that Bergami usually acted the lover on those occasions, and her Majesty the person upon whom his affections were placed. After her return to the Villa d'Este, she took a tour to Lugano, and other places. At d'Este, a fact occurred, which shews that the intercourse was kept up between her Majesty and Bergami. One day a courier was dispatched with a letter to Milan. He returned with an answer at a late hour of the night, or rather at an early hour in the morning, when all the family had retired to rest. Thinking it his duty to deliver the answer to Bergami, he went to Bergami's room for that purpose. Bergami was not there. In a short time, however, he saw him coming in his *robe de chambre* from the Princesses room. The circumstance of Bergami's coming in this undress from the room in which her Majesty slept, at such an hour of the morning, naturally excited the suspicions of the courier, who had been but a short time in her Majesty's service, and Bergami felt it necessary to make some excuse. He said, that the reason of his appearing in that undress was, that he imagined he heard his child cry, and he desired the courier to take no notice of what he had seen, as it was merely an accidental circumstance. Here, my Lords, the facts were plain.—The rooms of Bergami and her Majesty were separated from the rest of her suite—there was a free and easy communication between them, and the fact to which the courier was witness, admits of no other explanation than that Bergami had visited her Majesty with a view to the intercourse which subsisted between them. This fact alone would be sufficient to convince any Jury of the existence of such an intercourse, and the repeated instances to which I have called your Lordships' attention, and to which I shall still have to

direct it, necessarily and inevitably lead to that conclusion. A short time after her Majesty's arrival at d'Este, she visited a place which had been purchased—I beg your Lordships' attention to this fact—for Bergami, and called it the Villa Bergami, or the Barona. It appears, therefore, that this person who had entered her Majesty's service in the lowest state of poverty, was not only covered with honors, but that her Majesty had purchased a considerable estate for him in the neighbourhood of Milan. In what other way could he acquire this property, than by the munificence of her Majesty, and what other reason or motive can be assigned for her Majesty's conduct, except the adulterous intercourse between them? Had there been any thing in the conduct of Bergami which can induce your Lordships to believe that her Majesty was actuated by any other motive? Your Lordships will find, that during the Carnival, the most disgusting scenes took place at her Majesty's house, scenes which deserved to be classed with those exhibited in a common brothel. Persons of the lowest description were admitted there, and the greatest licentiousness prevailed during the time of the Carnival. My Lords, I would not impute to her Majesty a participation in these scenes, unless I were satisfied in my conscience that they passed under her Majesty's notice. It might fairly and properly be urged by her Majesty's defenders, that if these scenes took place only in the kitchen, and among her menial domestics, they would not affect her Majesty's character, but, as I understand and believe, they passed under her eye and observation, and that so far from expressing disapprobation or disgust, she was rather pleased than dissatisfied with these exhibitions. Your Lordships may say, true, this conduct is highly unbecoming to a Princess, and a woman of rank, but still it is not sufficient to prove an adulterous intercourse. Undoubtedly not. But when these facts are coupled with the other circumstances to which I have drawn your Lordships' attention, they show that her licentious intercourse with Bergami had so far operated upon her Majesty's mind, that she became regardless of herself, and that her participation in these disgraceful scenes was the natural effect of that intercourse. In the month of February, 1817, she made a tour through the Tyrol into Germany. A remarkable circumstance took place shortly after the commencement of that tour. Upon arriving at Carlowitz, Bergami was compelled to return to Inspruck for a passport, in order to continue the journey. As Bergami had not returned, her Majesty had one of her filles de chambre to sleep in her room that night. It happened, however, that Bergami returned from Inspruck with his passport in the middle of the night. What was his conduct on this occasion? Instead of retiring to rest to his own bed, he went directly to that of her Majesty, her female attendant being present. Her Majesty immediately ordered her female attendant to get up, and retire from the room. This actually took place: she took her bed out of the room, and left Bergami alone with her Majesty. I will ask your Lordships, whether these facts would not be decisive and conclusive evidence in an ordinary case, and if in an ordinary case, they must

be still stronger, when it is considered that they occurred between persons removed at such a distance from each other in point of rank and station. The fact of ordering her female attendant to retire, and suffering Bergami to remain alone with her, independently of all other evidence, must satisfy your Lordships that an adulterous intercourse had taken place. But this is not all. In the course of the journey a similar arrangement was made with respect to the beds at Carlsruhe as at all other places. A bed-room, called, No. ten, was appropriated to her Majesty; No. eleven was unoccupied, and No. twelve was appropriated to the courier Bergami, so that there was a free communication through the centre room between Bergami and her Majesty. Whilst at Carlsruhe her Majesty was found sitting upon Bergami's bed, he being in bed undrest, and having his arm round her neck. They were found in this situation by a servant who entered the apartment unexpectedly. In that bed there was found a cloak belonging to her Majesty; which she was afterwards seen wearing; and in that bed also were discovered marks which—not to enter into a more particular explanation, which I am persuaded your Lordships will spare me—could leave no doubt of the nature of the intercourse which had taken place between her Majesty and Bergami. This fact alone, I say, is sufficient to prove that adultery had been actually committed, and will explain all those circumstances of the rise and advancement of Bergami, which are otherwise enveloped in mystery. From Carlsruhe her Majesty went to Vienna, and proceeded from that place to Trieste. At Trieste the same arrangements were made with respect to the bed-rooms at this place as at all others. That there was a direct communication between the apartments of Bergami and her Majesty, and that there were decisive appearances of two persons having slept together in her Majesty's bed. In the course of this journey her Majesty and Bergami frequently stopped at inns upon the road, and upon such occasions they were in the habit of retiring to the same bed room while the horses were getting ready, and reposing upon the same bed. But how was it that Bergami alone, on the contrary, could venture to use these familiarities with her Majesty? How was it that Bergami alone retired with her, but because there did take place this sort of intercourse between them? Upon her Majesty's return from Milan, where she had been for some time, to the Barona, it would be proved to their Lordships, that Bergami, his mother and his brother (Ludovico Bergami), who had formerly exercised some of the most menial offices in the palace, were permitted to dine with her Majesty; they were allowed to sit and to eat at her Majesty's table. The little Victorine his daughter, was dignified by the title of 'Princess,' and taken great notice of. He did not mention these circumstances as going to prove any thing which was particularly applicable to Bergami. The boy Austin was called a 'Prince,' as well as the other protégé. Soon afterwards her Majesty purchased a villa, called the Villa Branti. At this villa their Lordships would find more important circumstances to have occurred, as affecting this case.—It was arranged that Bergami's a-

partment should be very near that of her Majesty, and there was a communication through a corridore from Bergami's bed-room into her Majesty's.—Bergami was observed by one of the servants, two or three times, and at a very early hour of the morning, going from his own bed-room into that of the Princess of Wales, and there remaining with her Majesty.

(A Peer asked when this occurred.)

The ATTORNEY-GENERAL replied, that it happened some time in the month of July, 1817. Their Lordships would have it proved to them, that upon two or three occasions it was observed, that either at night, or at an unseasonably early hour of the morning, when the rest of the family were retired to rest, Bergami was seen coming from his sleeping apartment and going into that of her Majesty, and there remaining. He would ask their Lordships what this fact proved? Could they doubt, that a man, going in that way, at an early hour of the morning, when her Majesty was in bed, going to her room, and remaining there with her Majesty; could they doubt that he was guilty? Would their Lordships require any further evidence of adulterous intercourse between these parties? At the Villa Branti, as on other occasions, Bergami was admitted into her Majesty's presence when she was dressing, and at her toilette; when her Majesty, in short, was in that state of dishabille which made such admission very highly improper. From Branti her Majesty removed in the month of August, to her Villa near Pesaro, where she afterwards almost entirely resided. At Pesaro the same facilities of intercourse were continued which had been attended to at almost every place which her Majesty had visited, and every where she had taken up her residence. So attached did her Majesty always appear to the person and society of Bergami, that his absence seemed to occasion her considerable pain. She was accustomed to watch for his return; and upon one occasion actually set out to meet him. Upon his at length returning she was observed to express the greatest joy, and all that fondness and attachment which might be supposed to exist for each other in two persons between whom such an intercourse existed. It would be proved in evidence, that during her Majesty's residence at Villa d'Este, where she resided for a considerable time, on the banks of the Lago di Como, she was in the habit of going out with Bergami in a sort of carriage, large enough for only one person to sit down in, and another to sit upon his lap. In this carriage she was in the habit of going out with Bergami, she sitting upon his lap, and he with his arms round her, which it was absolutely necessary he should have, in order to enable him to guide the horse. It would be proved they were seen together, in a canoe, upon the lake; and on one occasion they were seen bathing together in the river Brescia. There was another circumstance—no ways, however, remarkable in her Majesty's case, because it was always the accompaniment or the forerunner of such a vicious state. Let them mark the ascendancy which this man had obtained over the mind of her Majesty. This circumstance, however, occurred. Their Lordships would find, that, upon her Majesty's first going to Italy, she did that

constantly which comported with her dignity as an English Princess. And let him add—as a Protestant Princess. She either had divine service regularly performed at home, or attended places where it was performed after the rites of the Church of England. This regulation continued until a short time after she returned to Genoa, where Bergami first entered into her service; but from that time down to her departure for England it was discontinued, and she was seen to accompany Bergami to a place of Catholic worship which he himself frequented, to join in the prayers of the service, and to kneel down by his side. Such was her abandonment of those religious feelings which ought to be observed by all persons under all circumstances. She demeaned herself to accompany this man, which was an act degrading and disgusting in itself, but he could not help thinking it a strong corroboration and confirmation of all the other facts which he had detailed; and it must satisfy their Lordships that this disgraceful and illicit intercourse did take place between Bergami and her Majesty, as it had been stated to them.—He should now proceed to call his witnesses.

A considerable pause now ensued.

Lord KING inquired whether an indictment would be for perjury against a witness without an order from the House.

The LORD CHANCELLOR would not say that his individual opinion was conclusive, but that opinion was, that it might.

The rolling of the drums without announced the Queen's arrival. In a few minutes she entered the House and took her seat. There was a greater vivacity in her countenance and demeanour than we have previously observed.

The LORD CHANCELLOR desired the Attorney-General to proceed.

The SOLICITOR-GENERAL then summoned a witness by name "Theodore Majocchi," who immediately attended at the Bar. Her Majesty turned round to look at the witness, and with her black piercing eye, she darted a look of surprise and indignation; she rose from her seat and exclaimed, "Ah, Theodore Majocchi," and left the House in the greatest haste followed by her suite. A long pause succeeded. Peers, Counsel, Strangers, looked as if they doubted the evidence of their eyes and ears, not a word was spoken, and five minutes elapsed before the proceedings were continued.

Two interpreters were then sworn—Marchese Nicholas Spinetto, on the part of the prosecution—and Beneditto Cohen, on that of the Queen.

EVIDENCE.

Theodore Majocchi was then sworn, and, in answer to a question suggested by her Majesty's Counsel, emphatically stated that he considered himself to be brought there to speak the truth, and nothing except the truth. He is a native of Stalingo, a place in Italy, twelve miles from Lodi; knows Bartholomew Bergami; first became acquainted with him in the service of General Pino, in the year 1813 or 1814; knew him by being in the same service.

(By Mr. BROUGHAM.)—Do you understand English? No, not at all; Bergami, when in the service of General Pino was there as

a servant, a *valet de chambre*; witness was postillion, or rider; Bergami at that time was rather poor than rich; he received three livres of Milan a day; left the service of General Pino before Bergami quitted it; went to Vienna, and was in the service of the Duke of Roccomania as his postillion; afterwards entered the service of General Joachim Murat; Murat was at that time King of Naples: saw Bergami there.

"When did you see him there for the first time?—In June I believe," said the Solicitor-General.

Mr. BROUGHAM said he had objections to urge to this course of examination. He apprehended also that it was competent to him to state his objection to a question, before the answer was received.

The Earl of LIVERPOOL observed, that the House would be better enabled to judge of the force of any objection to a question after hearing the answer to it.

The LORD CHANCELLOR found himself compelled to admit that the objection should be heard in the first instance, as the answer might otherwise make an impression, which, if the question were over-ruled, it might be difficult to remove.

The SOLICITOR-GENERAL resumed his examination.—Witness met Bergami at Naples about Christmas, 1814, in the house of her Royal Highness the Princess of Wales; he was asked where he saw him, and he said, "in a room" (*a Laugh*;) he (Bergami) was courier, and, it was reported, equerry; the precise time was the beginning of the year 1815; remembers Bergami told him he would make him a present; witness afterwards entered the service of the Princess of Wales, in about a fortnight afterwards; Bergami was then lacquey, and wore a livery; he dined at the table of the upper servants.

By LORD HARROWBY.—Who were the other persons who dined at that table? There were, beside Bergami, Mons. Sicard, the *maitre d'hôtel*, M. Jeronimus, and the waiting-maid of the Princess's *dame d'honneur*, whose name, as she was an English woman, I forget.

Did any other person divide the duty about the person of the Princess? Yes, M. Jeronimus, sometimes.

Was that by turns? The upper-servants performed the duty by turns.

Did any one ever attend out of his turn? Jeronimus often carried in the tray for the morning's *dejeune*.

Do you know what was the situation of the sleeping-rooms of the Princess and of Bergami at that time? Yes, I recollect it well.

Describe it.—The rooms of the Princess and of Bergami led to each other by a corridor, in which there was a small cabinet. Bergami's bed-room was situated to the left.

Are we to understand that there was no space between the two rooms, except what was taken up by the corridor and the cabinet that you mention? There was nothing else; and it was necessary to pass through the corridor to go from one room to the other.

What was there on the other side of Bergami's bed-room? A saloon.

Who usually slept in the cabinet? Nobody; it was free.

Did the rest of the family sleep in that part of the house, or at a distance? Their rooms were separated.

Do you recollect any accident happening to Bergami? Yes.

What was it, and where did it happen? It was a kick from a horse.

When did it happen? When they went to the lake Aniano.

In consequence of it, was he put to bed? Yes.

Did you see the Princess in his room during his sickness? Yes, I saw her Royal Highness there on one occasion with Jeronimus and Dr. Holland, who was dressing his foot.

Did you carry any broth to him? Yes.

Did you see the Princess on that occasion? No, I do not remember.

Were any directions given to you as to where you were to sleep after this accident? Yes, I remember.

Where was it? On the sofa in the cabinet, and near the fireplace.

Was that the cabinet of which you have been speaking? It was.

How long did you continue to sleep there? Five or six nights.

Was there a fire in Bergami's room in consequence of his illness? Yes, there was always a fire in the room for five or six nights, during which the witness slept on a sofa in the cabinet.

Did any one pass through the cabinet while the witness slept there? Yes.

Who was that person? Her Royal Highness.

Did she pass through towards the corridor, and in the direction of Bergami's apartment? She did.

How often did she so pass? Twice.

At what time did she pass on the first occasion? At half an hour past midnight.

How long did she remain in Bergami's room on that night? About ten or fifteen minutes.

In what appearance did she pass the witness? She passed slowly and softly, and after looking at witness, who appeared to be asleep, she passed on.

After the Princess had gone into Bergami's room did witness hear what passed there, whether there was any conversation or what else? He heard some whispering.

Witness had said that the Princess went a second time into Bergami's room. How long did she remain there on that occasion? About fifteen or eighteen minutes. It might be some minutes more or less.

Does he recollect any thing particular passing the second time the Princess was in Bergami's room? Yes, some whispering and conversation.

Was any garden attached to the Princess's house? Yes, there was a small garden attached to the house, into which there was an opening from the cabinet.

Was there a lock to this garden? Yes, and it was for the most part locked.

Did you ever see it open? Yes, often.

Who kept the key? Bergami.

Did he ever see the Princess walking with Bergami in that garden? No, never.

How long did the Princess remain at Naples after the witness entered into her service. About a month, or forty or fifty days.

Did he accompany the Princess after she left Naples? He did.

Before the Princess left Naples did any of her English attendants quit her? Yes, some of them left her.

Did he remember who were the English attendants that left her Majesty? He remembered M. Sicard, *maitre d'hotel*, Capt. Hesse, her Royal Highness's Equerry, and her Chamberlains. He could not tell how the Chamberlains were called.

Was the name of Gell amongst them? I believe it was.

Was he the chamberlain? I do not know; he wore small mustachios. (a laugh.)

Did he remember whether Keppel Craven was the name of another of those chamberlains? He did not recollect such a name; such a name he could not recollect.

He the interpreter said that he translated the witness literally.

Did he remember any other name? He did not remember any other name.

Did he remember that any English lady left her Majesty on that occasion? Yes, a small lady, and rather thin, but did not remember her name; she was Lady—Lady—something.

Was it the name of Lady Charlotte Forbes? He did not remember.

Witness had stated that he had been at Naples and Rome—Whither did he go with the Princess from Rome? To Civita Vecchia.

Did they go on board any vessel at Civita Vecchia? Yes, the *Clorinde* frigate.

Where did the frigate go? To sea. It passed Leghorn; it stopped there a little time.

Did any thing particular happen on board that ship? He did not remember.

Whither did the ship go from Leghorn? To Genoa.

Did any English person join the Princess at Genoa? Yes, Capt. Owen.

Did any one else? Yes, Lady Charlotte Campbell, who was a tall fat woman, joined her Royal Highness, with her two daughters.

How long did the Princess remain at Genoa? About forty or fifty days.

Where did the Princess reside while at Genoa? In a palace at the end of the city, on the Milan road.

Did he recollect the situation of the rooms in which the Princess and Bergami slept in that palace? There was a room between their apartments, in which room trunks and packages were kept; it was a baggage or luggage room.

Did any one sleep there? No one.

Were there doors opening from this luggage room into the apartments of the Princess and Bergami? Yes, there were.

Might any one pass through this room from the apartment of the Princess to that of Bergami? Yes, any one might pass.

Was there any particular apartment in this palace in which Bergami generally breakfasted? Yes.

Where was that apartment? It was a small room at the top of the grand saloon.

Did witness ever see any person breakfast with Bergami in that room? Yes, he saw the Princess breakfast with Bergami in this room one morning.

Whether was witness hired to wait upon Bergami or the Princess? He was engaged to serve her Royal Highness.

Whether did he in fact, wait upon the Princess or upon Bergami? He waited upon her Royal Highness and Bergami.

Did he remember a particular night, upon which a courier came to the Princess's house with a letter from Milan? He did not remember.

Did he remember his having one night knocked at the sleeping room door of Bergami, in order to awake him? Yes.

On what occasion did he so knock? One night when people came to the house.

For what purpose did he knock at the door of Bergami? Because people came into the room, and they wanted to see Bergami.

At what time did he so knock at the door of Bergami? At about half past one o'clock in the morning.

Did Bergami give any answer when witness so knocked? No.

Did not witness knock so loudly that Bergami must have heard him? Yes, Bergami might have heard.

Must he not in witness's judgment, have heard him from the manner in which he knocked? I think had he been there he ought and must have heard the knocking.

Did the Princess ride or drive out in any way while she was at Genoa? Yes.

In what way? She rode out on a donkey.

Did witness observe any thing that took place between the Princess and Bergami at a time that she so rode out? Yes.

What was it that passed? Bergami took the Princess round the waist, and put her upon the ass.

[Here the interpreter observed, that he translated the word *abbracciare*, not as embracing, but as taking round the waist.]

Did he observe any thing farther?—Yes; Bergami took her Royal Highness by the hand to prevent her from falling off the ass.

Was Bergami's manner like that of the other servants in the house; or did he appear different from them?—Yes; he was different.

Did he seem to have more authority? Yes, he had more authority than the other servants.

Between him and the Princess was there any apparent distance, like that towards the other servants; or was there any apparent familiarity between them? There was rather an intimacy.

Did Bergami continue to occupy the same room during their whole residence at Genoa? Witness did not remember.

To what place did you proceed on leaving Genoa? To Milan.

Where did the Princess's establishment first reside at Milan? At Casa Carcana, Porta Nuova.

At what house? At a house belonging to the family of Boromeo.

Do you recollect, before the Princess left Genoa, whether any of the relations of Bergami were taken into her Royal Highness's service? Yes, I remember some.

What name? One was a female; Faustina.

Was she married or single? I do not know whether she was single or married; she came to the house without a husband.

Was there a child brought into the house? Yes.

What was the child's name? Victorine.

About what age did the child appear? About three years old when she came.

Did the mother of the child come with her? No.

Did any body else come of the Bergami family? Yes, Lewis Bergami.

How were the rooms in the house furnished when they came? In the usual way.

How was Bergami's room situated as to the Princess's? The rooms were separated by a wall.

How were the doors of the two rooms placed as to each other? At first there was an anti-room, on the right, left for Mr. William; and Bergami's was the room at the near side, next the Princess's.

Was there a door or a wall separating Bergami's from the Princess's room, or a stair-case? Yes, there was a landing-place, which had a door opening into it.

Where was this landing-place? Between both rooms.

Did the door of each open into it? Yes; each door of the Princess's apartment and of Bergami's opened into it. The distance between the doors was about two braccia, or about seven or eight feet.

Mr. BROUGHAM here observed, that he trusted the Solicitor-General would take care that no other witnesses remained present while a witness was under examination. This was the practice in all other Courts, and he had no doubt, from its propriety, would be adopted by their Lordships.

The SOLICITOR-GENERAL could have no possible objection to the removal and separation of the witnesses. He was not aware that any witness for the Bill was present, except the one under examination.

The LORD CHANCELLOR said, the rule of course embraced all the witnesses, both for and against, always of course excepting those whose duty it was to remain present.

The SOLICITOR GENERAL said, that his only wish was to have the practice respecting witnesses observed here as in other Courts. He wished to be strictly general. He put it, therefore, not alone in

point of strict practice, but in candour to his Learned Friend (Mr. Brougham), to take care that his witnesses should be excluded.

Mr. BROUGHAM replied most undoubtedly; he had no other wish than that the exclusion should be strictly general. All whom he knew he intended to call, he wished should be out of the House: of course he could not mean that the prohibition should extend to any of those whose duty it was to remain. There might be one or two whose duty it was to remain, that he might yet have hereafter to call.

The SOLICITOR GENERAL commented on the expression used by his Learned Friend, 'all whom he knew, he intended to call.' He submitted to his candour whether all should not remain out that there appeared the smallest probability of his calling.

Mr. BROUGHAM assured his Learned Friend that he did not mean to speak equivocally; he meant to deal fairly and candidly; and his Learned Friend might safely leave the matter to his candour, as he had appealed to it. Of course it was quite impossible for him to know at this moment, what witnesses it might be necessary for him to call. He could not tell, until his Learned Friend's cause was closed, whether he should call any witnesses or not. If he only heard such a witness as the present called, he certainly should not call any. (A laugh.) He again assured his Learned Friend that he meant to exclude his witnesses until the time arrived for their examination.

The examination of the witness was resumed by the SOLICITOR GENERAL.

Were the stair-case and landing-place you allude to private, or did any other door open into them? The stair-case and landing-place were private; the stair-case led into a small apartment, which was unfrequented.

Did any body sleep in that small apartment? Yes; sometimes the brother of Bergami.

Were you in the habit of waiting upon the Princess at breakfast? Yes; sometimes.

Did any others so attend? Yes.

What others? Sometimes Lewis Bergami, and occasionally a courier named Cameron.

During the period of the general residence of the Princess at Milan, did she take a journey to Venice? Yes.

Before she went, had Lady Charlotte Campbell joined her? I think not.

Where did she join her Royal Highness with her daughters? I think at Genoa.

Do you know did Lady Charlotte Campbell go from Genoa to Milan in the same Carriage with the Princess? I do not remember.

Did Lady Charlotte stay long with her Royal Highness? No.

Do you remember when she quitted? I think about five or six days before the Princess set out for Venice.

Did Lady Charlotte go away with her daughters? I believe she did, for the daughters were not in the house after she went away.

Did any English Lady of Honour remain in the suite of the Princess after Lady Charlotte left? I recollect none.

Did a person called the Countess of Oldi join the Princess? She did.

When? About two or three days after Lady Charlotte Campbell left.

Do you know whether she was any relation of Bergami's? It was reported in the house she was his sister.

How was that known? It was spoken of.

Did witness himself know it? Yes.

Was it at first generally known through the household? Yes, soon after she came.

How soon after? About the time when she was observed to have a place at the Princess's table with the family.

When you arrived at Venice where did you go? To the Great Britain Hotel; they afterwards went to the house next by.

How were the bed-rooms occupied by the Princess and by Bergami situate in that house? They were next one another.

Was there any division between them? Yes, only a grand saloon. (A laugh.)

Did witness ever see the Princess walk out with Bergami? Yes.

Where? Both at Milan and Venice.

In what manner did you see them walk out together? Arm by arm, or arm in arm, they walked out at Milan and Venice.

Was this by day or by night? At night.

At what time of the night; at what hour? After nine o'clock in the evening; between nine and ten o'clock.

Did you ever see Bergami dine at table with the Princess?—Yes, several times.

Where did you first observe this? At Genoa.

Did he continue to dine with the Princess, after the first time you saw him at dinner with her? Always as far as I can recollect.

How used they to sit at table? Where did the Princess sit, and where did Bergami? Sometimes in one place, and sometimes in another.

Did her Royal Highness sit at the head of the table? Sometimes she did and Bergami sat often on her right and often on her left, and sometimes opposite to her.

Was the Princess more than once at Genoa while you were with her? I don't remember.

Do you not remember when you embarked at Genoa?

Mr. BROUGHAM objected to this question. He could not think their Lordships would permit his Learned Friend to make his own witness contradict himself. If the answer were given in one way, it might contradict the preceding answer given by the witness. He must object to this way of pursuing an examination. It was, in fact, to put leading questions.

The SOLICITOR-GENERAL disclaimed any intention of putting what could with propriety be called a leading question.

The LORD CHANCELLOR.—What is the question you mean to put?

The SOLICITOR-GENERAL.—I shall put in this way, my Lord—whether the witness after he left Genoa ever returned there to embark for Venice?

Lord ESKKINE said, that though he thought a Counsel might put one question to a witness which would have the effect of contradicting a preceding answer given by that witness, yet that such a question ought not, or need not, be put in a leading shape.

The question was put to the witness, who answered—I did embark from Genoa.

Do you mean, then, that this familiarity between the Princess and Bergami took place the first or the second time you were at Genoa? I saw it the first time.

Where did you go from Boromeo-house, at Milan? To the Lake of Como, near Milan.

How long did you remain there at the time you allude to? About a month and a half.

Where were the bed-rooms of Bergami and the Princess, and those of the other servants? The bed-rooms of the Princess and Bergami were one at one side, and the other at the opposite side of a cabinet. There was only a small passage which separated them.

Was any part of your duty to assist in making Bergami's bed? Yes, it was; I made the bed.

Did you ever remark that it had not been slept on? I did.

The other servants lived separate in another part of the house? They did.

Did you assist in making the beds of the Princess and Bergami? I did.

Did you observe that either of the beds had the appearance of having been slept in by two persons? They had not that appearance always.

Could you tell, from your observations of the beds, whether or not Bergami had always slept in his or elsewhere? It appeared as if he had not always slept in it.

Did that happen often at the Villa Villani? Yes.

Do you remember the Princess, at the Villa Villani, wearing a blue silk bed-gown lined with red? I remember it.

After you saw the Princess wear the blue silk gown, did you see Bergami wear it? Yes.

Often? He always had it on.

In the presence of the Princess? Yes.

When you say always, do you mean that he wore it always in the morning, or during the whole day? Every morning when he made his toilette.

At what time did the Princess usually rise in the morning? At half-past 10, 11, or half-past 11.

When she rose did she usually ring for her servants, or call? Sometimes she called, and sometimes rang; but for the most part called.

Did Bergami rise at the same time, or before, or after the Princess? Sometimes he got up at the same time; sometimes a quarter of an hour later.

Where did the Princess go to from Villa Villani? To Villa d'Este.

How long had she staid at Villa Villani before she went to Villa d'Este? For five or fifty days.

Do you happen to recollect the relative situations of the bed-rooms of the Princess and Bergami at Villa d'Este? I do not remember, because they were changed anew.

When were they changed? When they undertook the voyage to Egypt.

In what vessel did they embark at Genoa? In a man-of-war—the *Leviathan*.

Where did they go to in this *Leviathan*? To Porto Ferrajo.

Where did they go to next? To Palermo.

Did the Princess go to Court at Palermo? Yes.

By whom was she accompanied? I do not remember.

How long did she stay at Palermo? Twenty or twenty-five days; but I do not remember.

Where did you go to from Palermo? To Messina.

Did the Princess take a house at Messina, or near Messina? Near Messina.

Do you know the relative situations of the bed-rooms at Messina? Yes.

Were they near each other? Between the room of the Princess, and that of Bergami, there was a room in which the *dame d'honneur* slept.

Who was that *dame d'honneur*? A sister of Bergami.

Did the other persons of the suite sleep in that part of the house, or in another? In another.

You have said that the only room between that of the Princess and Bergami, was slept in by the Countess Oldi: was there a communication through that room between the apartment of the Princess and that of Bergami? Yes, it was necessary to pass through the room of the *dame d'honneur*.

Then I am to understand that through the room of the *dame d'honneur* there was a communication between the rooms of Bergami and the Princess? Yes.

Do you recollect Bergami breakfasting or eating with the Princess at Messina? Yes, I do.

Where was that? in what room? Beyond the room where her Royal Highness slept there was a cabinet which led into a garden, and in that cabinet they breakfasted.

Did they breakfast alone, or was any other person with them? Alone.

Do you remember Bergami at Messina asking leave of the Princess to go to make some purchases? I do.

Did the Princess give him leave? Yes.

Describe what took place between them when he parted from her

for that purpose.—I saw Bergami when the Queen was going to take her breakfast; and he said, "Will your Royal Highness permit me to go to Messina to make some purchases?" and, having obtained leave, gave a kiss to her lips (*bocca*.)

How long did the Princess remain at Messina? 25 or 28 days, but I cannot say precisely.

To what place did she proceed from Messina? To Syracuse.

Did she go by sea, or by land? By sea.

At Syracuse did she lodge in the town, or in the neighbourhood? In the neighbourhood; out of the town.

Can you describe the relative situation of the bed-rooms of the Princess and of Bergami at that house? Did the Princess continue to live in the same house she originally took at Syracuse? In the same.

Was it near the pier or mole? About a gun-shot from it.

Describe the relative situation of the bed rooms at that house. Mention whether there was a private stair-case communicating from one room to another? There was.

Did that stair-case lead immediately from one room into the other? Yes.

Was there another entrance into the bed-room of the Princess, for the use of persons waiting upon her? There was, from the great chamber where they dined.

Do you remember seeing Bergami go into the room of the Princess without being entirely dressed, in any house before they went to Syracuse? Oh, yes.

Do you remember where it was? If I do not mistake, it was in the Villa Villani.

What part of his dress had he on? That morning gown, with stockings and drawers.

Where did the Princess go to from Syracuse? To Catania.

Can you describe the relative situation of the bed-rooms of the Princess and Bergami at Catania? were they near each other, or distant? They were separated by a yard, or court, smaller than this house.

Was there any other separation between them but this court? Nothing else.

Could any other person, after they were in bed get into that court? No; because the door was locked.

Do you remember whether Bergami was taken ill at Catania? He was.

Was it necessary that his bed should be warmed? Yes.

Did you warm the bed yourself? Yes.

Did you see the Princess on that occasion? Yes.

Was she in the room before you went there, or did she come in afterwards? I was in the room when she came.

How was Bergami sitting? Upon a bench, or sort of stool, while I was making the bed.

Were any directions given to have Bergami's bed made warm? Yes.

By whom were those directions given? By her Royal Highness the Princess.

What did the Princess say on that occasion? She directed that the bed should be made warm, and made up neat and comfortable.

Was Bergami ordered to take medicine on that occasion? He was.

Who mixed the medicine on that occasion? He did not remember.

How long did the Princess remain in Bergami's bed-room? She remained while witness was making and warming the bed.

Was Bergami dressed or undressed at the time, and how or what clothes had he on? He was not fully dressed, he was dressed in part.

What had he on, and what off? He had on that morning gown; but I do not remember what else.

How long did the Princess remain at Catania? About a month and a half.

To what place did she next go? To Augusta.

By land or sea? By sea.

Describe the situation of the bed-rooms? There was a small yard or a court into which both the rooms led, and you passed through this court from one room to the other.

After they were in bed, could any person get into that court? Not until they got up in the morning.

At Augusta did they embark in any vessel? Yes, on board a polacca.

Was that an Italian vessel? A Neapolitan polacca, as they said.

Where did you first go to in it? To Tunis.

Did Bergami receive any title at Catania or Augusta? At Catania.

Was he ever called his Excellency? I remember it.

Was that at Catania? Yes.

Did he wear any decoration? That of the Order of Knighthood of Malta.

While in Sicily did he receive any other title? Was he called Baron? I remember he was called Baron Francina.

Did he receive that title first in Sicily? Yes.

Where did Bergami sleep on board the polacca? In the cabin where they dined.

Was the cabin of the Princess adjoining that cabin? It was near it.

Did any other person sleep in the room where they dined? I do not remember.

When the Princess arrived at Tunis, where did she reside? At the English Consul's.

Did she reside there, during the whole time she was at Tunis? She changed her lodging.

Where did she go afterwards? To the palace of the Bey.

Do you remember the relative situation of the bed-rooms there? were they near each other? No; at a little distance,

What separated them? First, there was a little room, a small corridor; and then a large room in which nobody slept, and that large room led into the bed-room of the Princess.

Did any body sleep in the small intermediate room? It was only used as a room of passage.

Did the rest of the suite sleep in that part of the building? All in another part.

The Princess afterwards went from Tunis to Constantinople, and from thence to Scala Nuova? Yes.

Where did she lodge at Scala Nuova? They did not stop there, but went to the Grotto of the Seven Sleeping Men.

At what distance? Half a day's Journey.

Do you remember the place where there was a Turkish coffee-house? Yes, a *Caffe Turque*.

Where was that? Before you arrive at the Grotto of the Seven Sleepers.

Did the suite of the Princess take up their residence at that Caffe? During the night.

Do you remember a vestibule of a small church near that spot, surrounded by a wall? I remember that too well.

Where did the Princess sleep on the first night on arriving at that place? Under a tent, made of the boughs of trees.

Do you remember being sent for to that vestibule enclosed by a wall? Yes.

Was the Princess there at that time? Yes.

And Bergami also? He was present also.

Was no other person present? No one else.

Was the vestibule surrounded by a wall? It was surrounded by walls.

Was the Princess's travelling bed carried thither? I carried it myself.

By whose direction? Both Bergami and the Princess.

Did Bergami and the Princess remain there? Yes.

Had you prepared the dinner in any other place? I had carried it to the coffee-house, and the Princess and Bergami ordered me to carry the dinner to the vestibule surrounded by a wall.

Did they dine there by themselves? Alone.

Where was the Princess sitting? On a bed.

Where was Bergami sitting? On the ground, at the feet of her Royal Highness.

Did the prisoner [a laugh]—I beg pardon; did the witness wait at table? Yes.

After dinner, did they remain there? Yes.

Was any other person with them? None.

Did the bed remain there? Yes.

How long did they remain together in that place? An hour, or an hour and a half.

Where did they go to from Ephesus? To Scala Nuova.

Did they then embark on board the Polacre? Yes.

Where did they land? At St. Jean d'Acre.

Do you remember going from thence to Aum? Yes.

Did all persons in the suite of the Princess remain in the day-time in tents? Yes.

Were you in the habit of travelling by day or by night? By night.

And slept in the day-time? Yes.

In the tents, in the manner described? Yes.

Do you remember the tent in which the Princess slept? I do.

Was that among the other tents, or at a distance from them? At a distance of three or four paces: it might be five or six paces.

Was there a bed in the tent of the Princess? Yes.

Was that the ordinary travelling bed of the Princess? There was a little bed and a sofa; a Turkish sofa.

Did the tent of the Princess consist of one circle or of two? It had double walls; there were two tents, one within another.

Was the bed or sofa placed within the inner tent? Both in the inner tent.

Was that inner tent of a circular form? Both were circular.

What distance was there between the inner and the outer circle? The length of my two arms.

Did you see the Princess in the interior tent where the bed and sofa were, and any body with her? Bergami, and sometimes the little child.

Were Bergami and the Princess there during the time that was allotted for sleep? Yes, during the time of rest.

Were both the inner and the outer tents closed? The inner tent was shut up by them, and the outer might be closed or left open, as they chose.

Whom do they mean by them? Bergami and the Princess.

Do you remember going from Aum to Jerusalem? Yes.

Did you stop between Aum and Jerusalem? Yes.

Did you encamp again in the same manner as before? They raised the tents in the same way.

Did the Princess and Bergami again sleep in the same tent? Yes.

How many days were spent in this mode of travelling? Two.

After the return from Jerusalem where did the Princess again embark? At Jaffa.

On board the same vessel? The same.

On the first voyage to Jaffa had the Princess slept in the cabin? Yes.

Do you remember, on her embarking at Jaffa on the voyage home any tent being raised on the deck? I do.

What beds were placed in it? A sofa

Any bed besides the sofa? A travelling bed.

Did the Princess sleep in that tent generally on the voyage from Jaffa home? She always slept in it during the whole journey.

Did any body else sleep in the same tent? Bergami.

On the deck? On the deck.

Did that take place every night? Every evening.

Were the sides of the tent so drawn down at night that no person could see into it? When the Princess retired at night with Bergami, the tent was closely shut.

Did they use a lantern or lamp at night to go to bed? They did. After they had undressed and gone to bed, did they put out the light?

Mr. BROUGHAM—Stop, stop. This is, in fact, putting into the mouth of the witness a matter which he has not yet said? My Learned Friend, I am sure, sees and understands what I mean.

The SOLICITOR-GENERAL—I see what my Learned Friend means and shall put the question in a different form.—The witness said that a light was sometimes taken into the tent.—I want to know what was usually done with it?

Witness (through the Interpreter)—Sometimes after I had made the beds, Bergami told me to remove the light; at other times, the light was handed to me by Bergami from between the bottom of the tent and the deck.

Were the beds regularly made up every night? Every night.

Does the witness remember her Royal Highness having taken a bath, during her voyage from Jaffa, on board the polacca? I do.

Where was the bath prepared for her Royal Highness? In the cabin occupied by the Princess on her outward voyage.

Who assisted her Royal Highness? I carried the water to the cabin; Bergami came down and tried whether it was of a sufficient temperature, and after doing so, he went on deck, and handed her Royal Highness down to the cabin. They shut the door of the cabin, and he (Bergami) and her Royal Highness remained in the room alone together.

Did her Royal Highness take more than one bath? I remember her Royal Highness taking more than one, to the best of my recollection.

Do you remember at any time, when Bergami and the Princess were below in the cabin with the bath, being called upon to supply additional water? I do; two pails; one of hot, and the other of cold water.

Who took the water in? I went with the water to the door of the cabin, and Bergami came half-way out of the door, and, taking the water, went in.

Do you know whether, when you took the water, the Princess was actually in the bath or not? I cannot know that.

Where was the cabin which the witness slept in situated with reference to the tent on deck? under it, or how? I slept in the dining-room, on the sofa, immediately under the tent.

[Here the character of the evidence compels an omission.]

Where did you land? At Capitan.

Where did they go to from thence? I do not know, because I did not follow them.

Who went on shore at Capitan? The Princess, the sister of Bergami (Countess Oldi), the Turk, the Moor, and a man named Cameron.

What were the Turk and Moor called? The Moor was called Selim, and the Turk, Soliman.

Was there any body of the name of Mahomet? Mahomet.

Where did he embark on board the vessel? At Jaffa.

Did Bergami go on shore at Terracina? Yes.

Before the Princess landed? Yes.

For what purpose? To get leave from the Pope not to make quarantine.

Do you remember the Princess and Bergami taking leave of each other at the time he landed? Yes, I remember it too well.

Tell us what passed? I saw him kiss her Royal Highness.

Where were they? In the cabin.

Where did you again join the Princess? At Villa d'Este.

After you arrived there, did the Princess and Bergami go to a place called the Barona? Yes.

How soon after you reached Villa d'Este, did they take that journey? About a month.

Do you know a place called the Villa Bergami? Yes.

To whom does it belong? To Bergami now; he has bought it.

Are Villa Bergami and the Barona the same place? It is the same place: it was called the Barona?

Do you know when Bergami first became possessed of this place? About the time when they were in the Villa Villani.

Is this Villa Bergami a considerable estate, with land about it? Yes, there is land: it is a species of farm-house, where they make cheese.

How long did the Princess and Bergami remain there? About six weeks, when afterwards they took a journey to Bavaria.

Was it during the Carnival? Yes.

Do you recollect the relative situations of their bed-rooms at Villa Bergami? Were they near to each other? They both opened on the same landing-place.

By crossing that landing-place, was there a free communication from one room to another? The landing-place was about a yard in length.

Was it separated from the rest of the house? From all the rest.

Do you remember, while the Princess was at the Villa Bergami, any dances or balls being given? I do.

Did that occur frequently? No; twice.

How far was it from Milan? Two miles.

What description of persons attended at those balls? Country people.

Did any of the nobility of Milan visit there? Not that I remember.

What do you mean by "not that you remember?" At one time Belgarde paid his respects to the Princess, and after he was gone the Governor Saurao came.

Did you accompany the Princess in her journey to Bavaria? Yes.

Do you remember how the apartments of the Princess and Bergami were arranged at the different inns? In Bavaria I remember.

At what place? At the Golden Stag, at Munich.

How were the bed-rooms arranged? The dining room separated the bed room of her Royal Highness from that of Bergami.

In the course of that journey, or any other, were the bed-rooms arranged by the master of the inn, afterwards changed by order of the Princess on her arrival? Yes.

Did that happen more than once, and at what places? It happened in Bavaria, at the Golden Stag.

By whose order was the change made? Her Royal Highness's and Bergami's.

Was her Royal Highness present at the time? She was present.

The SOLICITOR-GENERAL had put the question whether the witness remembered being at Carlsruhe, when he was interrupted by

Marquis CAMDEN, who reminded the House that it was now considerably past the hour fixed for closing this business for the day—four o'clock.

FIFTH DAY—August 22.

The SOLICITOR-GENERAL resumed the examination of the witness who was under examination yesterday.

Did you go to Carlsruhe with the Princess? Yes..

Did you go also to Nuremberg, Vienna, and Trieste? I went.

Now, without asking you particularly as to the arrangement of the bed-rooms of Bergami and the Princess at each of those places, I wish to know whether they were usually contiguous to each other and communicating with each other, or were they at a distance?

The Interpreter—His answer means more near than far, or more generally near than far. Your Lordships may take which you like—(Laughter.)

Mr. BROUGHAM.—I should submit to your Lordships that the Interpreter, who executes his duty so properly, had better always translate the answers as literally as possible when they have an ambiguous meaning.

The question was repeated. A. More near than far from each other.

Did they usually communicate? Yes.

Were they generally separated from the rooms of the rest of the family? Yes.

Who usually selected the bed-rooms; her Royal Highness or Bergami? They both made a distribution of the chambers.

Did they use to travel in the same carriage? In the journey to Bavaria.

Do you mean also in the journey to Germany? I meant so.

Was it the business of the witness to prepare the carriages and the things that were put into them? Yes.

What part of the carriage did Bergami sit in usually? I don't recollect.

Did you ever find a bottle in the carriage on any occasion? Yes.

(The remainder of the evidence with respect to the use which was made of this bottle we must omit.)

Do you remember being at the Convent of St. Benedictine, at St. Anasin? Yes.

Do you recollect seeing the Princess at breakfast there? Yes.

Did she breakfast alone? No, with Bergami.

Do you recollect any thing being done by Bergami to the Princess? Don't recollect.

How long were you in the service of the Princess? Three years.

Where did you leave her? At Pesaro.

Into whose service did you go then? The Marquis d'Erba Odeschattsi.

How long did you remain in Italy after leaving her at Pesaro? I can't tell.

As near as you can tell? I think four or five months.

Do you recollect to what inn you went with the Princess at Parja? I do not remember the name of it, but it is the inn on the right hand as you go into Parja.

Do you recollect while with the Princess at Naples, Bergami being out one evening on horseback, and the Princess asking for him? Yes, I recollect it very well.

The SOLICITOR-GENERAL.—Your Lordships will allow me to remind you, that the witness entered the service of the Princess at Naples, and was with her there about a month.

Was the Princess in her bed-room at that time? I don't know, because I was down in the Court.

Did you tell Bergami when he came home, that the Princess wanted him? Yes.

In consequence of your so telling him that the Princess wanted him, did he go up-stairs to her.

Mr. BROUGHAM objected to this question.

The LORD-CHANCELLOR was of opinion the question ought to be "where did he go?"

After that was communicated to him by the witness, where did Bergami go to?

Witness was about to recite a conversation between himself and Bergami, when Mr. Brougham interfered, and objected to this as not being evidence.

The SOLICITOR-GENERAL thought it might or might not be received.

Lord ERSKINE was of opinion that it would not be evidence.

The SOLICITOR-GENERAL said he would put the question differently, so that the answer might be separated from the conversation.

After it had been communicated to Bergami, that her Royal Highness wanted him, where did he go? To his own room.

After he had entered his own room, what did he do as to the door of the room? He shut the door.

When he says that Bergami shut the door, does he mean that he merely put it to, or did he do any thing with the lock? He locked it.

Do you recollect how long he was there? Three-quarters of an hour or an hour.

Did you see the Princess below during that period? I did not.

Witness in the former part of his examination being asked as to the arrangement of the bed-rooms at d'Este, stated some change to have taken place. Was that change made while her Royal Highness and Bergami were in Greece? It did happen then.

Does he know what was the situation of their bed-rooms at d'Este after their return from Greece, and after the change had taken place? I remember it.

Does he know whether they were near to each other, and whether there was a direct communication between them? They had.

Were the apartments of the rest of the household at a distance? They were more far.

Was there any door which being closed, shut off all communication from the rest of the house, with those apartments which were so occupied by the Princess and Bergami? Yes, when the door was locked, then no one else could enter.

Does witness recollect whether for the purpose of making this communication, any alteration had been made in the wall? He does not remember.

Was there a theatre at the Villa d'Este? There was.

Did the Princess act at that theatre? She did.

Did she act with Bergami? He has seen Bergami and the Princess act, but he did not remain during the whole performance of the comedy.

On their first arrival there, was the Princess usually visited by persons of distinction in that part of the country? I do not remember.

Does witness remember a person of the name of Mahomet? I do remember him.

Of what country was he? He was a native of Jaffa.

(With the view of communicating to our readers more ample information, in a limited space, we shall condense the remainder of the examinations by omitting the questions and giving merely the answers of the witness, except in cases where the question is necessary to convey the precise meaning of the reply.)

The witness went on to depose that Mahomet had come on board the Polacca at Jaffa, and remained at Villa d'Este while her Royal Highness was there. He remembered his giving an exhibition of Gouchi. This the witness described in action, snapping his fingers and making gestures which we cannot minutely describe.

The answer to the question respecting this exhibition was called for by some of their Lordships.

The interpreter said, he had not translated the answer, because the witness had answered by motions of which their Lordships were by far the best judges.

Mr. BROUGHAM said, the motion might be translated by one simple English word, the word "courtsey." (Here a loud cry of "No, no," was heard from their Lordships, repelling the idea, that they could

be so far misled as to mistake the actions described for a court-
ing.

It was observed the interpreter might describe the motion.

The interpreter said the answer being a motion, he had left the
Solicitor-General to describe it as he pleased.

The examination being resumed, witness described the exhibition
in question to have been repeated more than once in the presence of
the Princess and Bergami. After leaving the service of her Royal
Highness, witness remained in Italy four or five months. He had
seen the Princess and Bergami many times on the lake Como alone.

The Solicitor-General said he had no further questions to put to
this witness at present.

Cross-examined by Mr. BROUGHAM.

Now you have told us that you left the service of Gen. Pino.—
Pray, was it not for killing a horse, or something of that sort? No.

You never killed a horse in your life? Never.

Never told any body that you had? Never.

(A few cries of "Order" was heard when the last question was
put.)

Mr. Brougham appealed to their Lordships, if it was fitting that
he should be admonished, as he proceeded in the discharge of his
duty, by cries of Order.

(A slight murmur ran through the House, and cries of "Go
on," and "There was no call to Order," were heard.)

What wages did you receive while in the service of General Pino?
Five and twenty-pence.

Per day? Per day.

You did not find it enough, and went away on that occasion?
Witness left his service at Mantua, during the blockade of that
place.

At the second table of the Queen's house at Naples, did you not
sit with the servant of Mr. W. Gell? I do not remember.

Do you remember the English servant of Mr. Keppel, another
Gentleman of her Royal Highness's suite? Did he dine at the se-
cond table? I do not remember.

Had either of those two Gentlemen servants at all, in her Royal
Highness's family? They had.

English servants? Yes, English, I believe, for they always spoke
English.

Were they livery servants or servants out of livery? They, du-
ring every day, did not wear livery, but during the great dinners he
saw them in liveries—in uniforms.

Was it the duty of the ordinary livery servants to wait upon her
Royal Highness? At table.

Was it their duty also to wait on her Royal Highness at breakfast
in the morning? No.

Was it not the duty of the upper servants, including the courier,
to wait upon her Royal Highness at breakfast? Yes.

Does he know Hieronymus? Very well.

Does he know Camera? Yes.

~~~~~  
In her Majesty's house at Naples, where did William Austin sleep? I do not remember.

Will you swear that he did not sleep in the next room to her Royal Highness? This I cannot remember.

What was the room next to that in which her Royal Highness slept? There was a grand saloon; I have seen no other.

Will he swear there was no passage by which her Royal Highness could enter Bergami's room while he was confined by sickness, without going through the room in which this witness slept? I have not seen any other passage.

Will you swear there were no other passages? There was a grand saloon, after which came the apartment of her Royal Highness, and beyond that there was a corridor.

Will you swear that there was no other passage to the room of Bergami? I cannot swear it, but I know of no other than that which I have mentioned, and I can say no other than this.

Will you swear there was no other communication, but through this passage? I cannot swear there is another; there might have been, but I have not seen any, and can only swear to this one.

Will you swear there was no other way, in which any person wishing to go from the Princess's room could go except through the cabinet? There was another passage to go into the room of Bergami.

Without going into the cabinet? Yes.

Where did Hieronimus sleep? I do not remember.

Nor any of the other servants? I do not know.

Where did the Queen's maid sleep? I do not know.

Was it not a very severe accident which Bergami met with from the kick of the horse? It was so severe that he could not go on horseback.

Was it not so severe that he was obliged to keep his room? I cannot say, as I have no knowledge of the illness.

Was it not so severe that your bed was put in the cabinet for the first time, there to wait on him? Yes.

Did he go out a walking? I cannot know whether he could walk.

Did you see him walk out, as usual, every day about the streets? I don't recollect.

Will you swear you ever saw him walk out during his illness? I do not recollect.

Did you ever go into his room during the time of his illness? I went to look at him.

Did you frequently go into his room? Often.

Did you then find him walking up and down? I don't recollect.

Did you not see her Royal Highness go into the room of Hieronymous, when he too was ill, to ask after his health? I don't remember.

Have you not seen her Royal Highness go into the room of Sir Wm. Gell, to ask after his health also, when he was ill? I don't recollect.

Was it not the constant practice of her Royal Highness to go into the rooms of her attendants, when ill, to see after them? I do not recollect.

You never happened to be ill yourself at Naples? No.

Did her Royal Highness make the slightest difference between the highest and the lowest of her attendants, in asking after their health, when ill?

The SOLICITOR-GENERAL objected to these questions. This was assuming that these persons had been ill.

Mr. BROUGHAM justified his questions.

The LORD CHANCELLOR was of opinion that the witness ought to be asked whether these persons were ill within the witness's recollection, before he could be asked whether her Royal Highness visited them.

Mr. BROUGHAM—Then I will alter it.

Cross-examination resumed.

Were all the domestics of her Royal Highness, high and low, all in perfect health while at Naples?—Did Dr. Holland never attend any person while at Naples? I do not recollect any other person being attended but Bergami during that fall; I do not recollect any others.

But not during the fall. Was any other person attended by Dr. Holland, at any time when you were at Naples? I do not recollect.

What sort of a bed did you sleep on in the cabinet when you attended Bergami? A mattress.

No curtains? No; quite open.

When her Royal Highness went from Naples to Rome, in March, 1815, what English persons were with her? Dr. Holland, as far as I remember, Hieronimus.

Was not Lady Charlotte Lindsay with her? Do you mean a small tiny lady, for I do not know their names.

Were there one or two English ladies with her? I have seen one; the little thin one I have seen and remember.

Did one or more of the English ladies go from Naples to Rome with her Royal Highness? Madame Falconet alone. The mother and two daughters; the mother was stated to be the wife of Falconet, the banker at Naples.

Was she an English lady? I don't know.

Did she speak English? I think she spoke French; did not hear her talk English.

Did she take her two daughters with her to Rome? I don't recollect.

Did you ever see those two daughters in the Queen's house with their mother at Naples? No.

Did you see them with their mother at any time? Yes, on the beginning of the journey to Rome.

What age were they? I can't recollect.

Were they young children or young ladies? I can't recollect.

The LORD CHANCELLOR interposed. The witness must finish his answer.

The question repeated. Young ladies.

Did you see Lady Charlotte Lindsay, or any other person beside Lady Falconet, when her Royal Highness left Naples? I don't recollect.

Did you ever see more than one English Lady in her household at once? I don't remember. I don't know.

Mr. BROUGHAM interposed, and said the answer did not mean "I don't know."

The Interpreter said, if he was wrong, there was an Interpreter on the other side, who was sworn, and who would correct him.

Mr. Cohen was now called by Mr. Brougham, and said the answer meant "I don't remember."

The witness said he meant "I do not recollect to have seen that."

You gave us an account yesterday of having knocked one night at Bergami's door, at Geneva, so loudly that he must have heard you, but you did not hear any answer? Yes.

What sort of people were they that came into the house then that made you knock up the Baron Bergami? That was the time the theft was made—when the robbers came.

Was not the alarm given that it was part of your friend Omp-teda's gang?—(Order, order.)

The SOLICITOR-GENERAL. I object to that question as the most irregular that can be put. You assume he was the friend of a gang.

Mr. BROUGHAM.—He was the leader—he was the prime mover. (Order, order.)

The LORD CHANCELLOR.—Nobody can doubt that it is most irregular—(Hear, hear.)

Mr. BROUGHAM.—I will take it in detail.

Did you look out of the window? Yes, and I saw a tall person, and took a gun and fired upon this person.

A Noble Lord in the Gallery moved that the Counsel and Agents do withdraw.

Cries of "Withdraw! withdraw!"

The same Noble Lord.—I wish to know if Sir William Gell be a witness summoned on either side.

The LORD-CHANCELLOR.—He is a witness summoned on the part of the Queen.

The same Noble Lord.—I wish to know if he be present.

Sir William Gell was now pointed out below the bar.

The same Noble Lord.—I understood it was ordered, that the witnesses on neither side should be allowed to be present.

Several Noble Lords now commented on the presence of Sir W. Gell in defiance of that order, and after a debate of some little length, an order was made, that no witness who was so present in future should be examined on either side.

Mr. Brougham resumed his cross-examination.

The witness stated, that he did not recollect, on the journey to Egypt, how long the Princess remained on horseback, or whether she was supported during the latter part of the way, in consequence

of fatigue. The witness and a servant named Carlino, had slept frequently in the interval between the two walls of the tent in which the Princess reposed—the sofa was a common sofa, and the bedstead was made of iron, with a small mattress—he could not recollect whether the small sofa and bedstead were used on board the polacca, and on land during the journey—when the Princess alighted from her horse to repose, she took off her clothes—he did not recollect whether she only removed a cloak or surtout which she wore.

[At this point the Queen entered, and took her usual seat. She was accompanied by Lady A. Hamilton.]

The witness could not tell whether there were any bed-clothes on the sofa, or on the bed—he placed the mattress and pillows upon the bed, and then retired—he did not recollect whether it had sheets and blankets or not, though it was his business and Carlo's to make the bed—he would not swear that he had or had not a stitch of bed-clothes on the bed, either on land or on board the polacca—in the evening he made the beds and carried the cushions there, and in the morning he took them away—it was not a large matrimonial feather bed, but single cushions—he could not recollect whether William Austin slept in the tent in the same way as Bergami.

Being asked with respect to his illness, when on board the vessel with the Queen, whether he was ill more than 24 hours, and did not come on deck, he replied, that he came on deck from one morning to the other.

During the time did you keep the watch as usual? I cannot remember.

Were you the only person on deck when the tent was erected for the Princess for the night? I did not sleep on deck.

Were there no sailors on board this ship? There were.

Did they not sleep on deck? I do not remember.

Did all these excellent sailors sleep in the hold? I do not remember.

Was the ship left alone, without sailors on deck at night? I do not know if the sailors slept in the hold while the vessel was going at night.

Did you see them during the day on deck? Yes.

How many sailors were there? I do not remember.

Were there four? I do not know the number.

Were there 22? I cannot swear.—The witness then said he did not know the side of the ship, as he did not know any thing of ships, and he could not say whether there were 2 or 22 sailors on board; there was a Captain, but he did not know whether there were any officers.

Who slept with you in the hold? I do not know; I only know that I slept there myself. He did not know whether there was a place for livery servants or not, although he himself was a livery servant. He knew not where the Captain slept.—The vessel had three masts, but did not know her tonnage.

Was there not a room below in the inside, adjoining the dining room? I do not know.

Where did the Princess sleep during her voyage from Anguostura to the East? I cannot say.

When she afterwards went to Greece, where did the Princess sleep? I do not know.

Where did Bergami sleep during these three latter voyages? I do not know.

Do you know where you slept yourself? Below in the hold. The witness had been in the dining-room of the Princess.

Being asked how many doors it had, said, that there was but one door to each room—he could not say that there were two rooms inside in the dining-room.

Was not the bath taken always in the dining-room? Not in the dining-room, but the room next to it—in a small room by the side of it.

Is it after entering the forepart of the vessel that there was another small room? After you entered the first room, there was a small room where the Princess had her bath.

(The Queen here took her departure from the House, and their Lordships rose as she quitted it—she was soon after followed by Lady Anne Hamilton.)

How often did the Princess take the bath the morning in question? I will not undertake to swear—I know twice.

Was it Bergami's office to prepare the bath for the Princess? I believe not.

Was it witnesses office? I was ordered to carry the water into the bath.

Did you carry the water into the bath, or only to the door of the dining-room? I brought water to the door to make the bath, and filled it half way up; then I called Bergami, who came down and put his hand in it to try the temperature.

Was there when you had half filled the bath any one in the room but yourself? I do not recollect any one but myself being there.

Did you then leave Bergami in the bath? He desired me to get more water.

The witness then proceeded to state that he did not remember that there was any other room besides that leading to the bath out of the dining-room. He could not swear that there were not other rooms, one for the Princess, and the other for the Countess Oldi. He could not swear that Maurice Cameron did not sleep there. He did not remember whether he had seen Cameron on the voyage or not. He believed he was on the long voyage, but could not say where he slept. He would not undertake to say that Cameron did not sleep in the dining-room. He did not know whether he was a relation to Bergami. He did not remember the names of all the female servants belonging to the Princess during the voyage. There was Madame Dumont, a brunette, Delia Toni, and Countess Oldi. He had seen Dumont last at Pizaro, after he had left the Princess's service. He had never seen her since, and did not know where she was at present, or whether she was dead or alive. He had never heard these servants talked about. He had heard Sacchini talked



about since he had left Pezaro: he had seen him and spoken to him at Milan. Witness was present when he saw Bergami and the Princess together at breakfast. He believed Hyeronemous was present. He did not remember whether the Countess Oldi was by.

Who was by besides yourself when you saw Bergami salute the Princess when he was going on some business to Sicily?—I do not remember that there was any one present but myself and Bergami.

Who was by besides yourself when Bergami saluted the Princess when they landed in Italy?—I believe no one but myself, Bergami, and the Princess.

Was it not on deck that this happened at Terracina?—It was on deck.

Was it not after dining.—Yes.

Were you in the the same room when Bergami saluted her? I was present.

When the Princess had a bed in a tent on board did she keep a light at night?—No.

Have you been at Villa d'Este since you left the service of the Princess?—Yes.

How long did you remain there? I cannot remember; I was there some days.

Have you been there since? Yes, a second time.

How long after the first time? I cannot say.—It was not months.

Did you ever make an application to be taken back into the Princess's service? I do not recollect.

Did you ever apply to Count Vassali? I do not remember.

Did you ever apply to Bartholomew Bergami? Never.

To Lewis Bergami? I do not recollect.

Did you ever apply to Schavina? Yes, once at the Hotel of Italy.

Did you ever write a letter to any one of these persons to be taken back? Never, I know little of writing.

Did any one else write for you? I do not recollect.

Were you not refused to be taken back? I do not remember.

In fact were you ever taken back? No.

The witness stated further, that Schavina was on the voyage to the East with the Princess. When the Princess went to Carlsruhe he did not know what house she occupied—he believed she was at an inn, but could not remember whether the English Ambassador there gave up his apartment for her accommodation; he could not say whether the Princess's journey to Carlsruhe was for the purpose of visiting her relation the Elector of Baden—he could not say whether the Elector waited upon her, or whether the Princess went to his Court—he could not tell whether a new wing had been added to the Villa d'Este.

When the sports were performed by Mahomet was not Dr. Holland present with the Princess? I did not see him.

Will you swear that Dr. Holland was not present? I did not see him.

Could he have been there without your seeing him? I did not see him.

The SOLICITOR GENERAL said, that Dr. Holland had quitted the Princess at Venice long before.

Will you swear that Lieutenant Howman was not present when Mahomet played off those tricks? I did not see him.

Who else was there besides yourself, the performer, and her Royal Highness? I saw Bergami, the Princess, and Mahomet on the occasion.

Whom did they send for Mahomet—did they send you? I do not recollect.

Were you so placed that her Royal Highness saw you at the time, as well as Mahomet? She was in such a situation that when Mahomet played his tricks she did not see me, but Mahomet and Bergami saw me.

Was it in a room? No, in a Court.

And where was her Royal Highness? At the window of her bed-room or the cabinet.

Where was Mahomet? He was coming out of the door of the stable. Did Mahomet stand in the Court to perform these tricks? Near the window of her Royal Highness.

Was his back turned to you? I was at his side; he was then looking at the Princess.

The witness then described the relative situations; Mahomet was on one side of the Court, the Princess on the other, and the witness behind at the door of the lake.

Will you swear that her Royal Highness could not see you there? She could see me, but I do not know whether she did.

Who ordered this Mahomet to come and perform these tricks? I do not know.

Then for any thing you know there might be persons in the same room with the Princess standing a little behind her? I could not see if any body were within, but I saw her Royal Highness put her head out of the window to see Mahomet perform these tricks.

Did you never see this Arabian play the same tricks at any other time? Yes, at Barona.

Was her Royal Highness present then? Yes, with Bergami.

And any body else? The people of the family.

Men as well as women? Footmen, coachmen, kitchen people and scullions, were there to look at him.

Did you ever see Baron Ompteda at the House of the Princess? I do not remember his name, but I saw a Persian Baron dining with her at the Villa Villani—I only recollect him twice there.

During the time you were in the service of her Royal Highness, do you recollect any blacksmith or locksmith being examined there respecting picking locks, and making false keys? I do not recollect.

Do you remember no quarrel between Lieut. Hawman and the German Baron? I heard that they had a quarrel, but I do not know the cause nor the time.

Can you tell within a week or within two years? I do not remember the time.

The witness was examined as to the persons of any rank who visited the Theatre at Villa d'Este, where her Royal Highness acted twice. He did not recollect to have seen the Prefect of Como, Professor Mochette, nor General Bognar and his Lady there, though they visited the Princess. Gen. Pino, his old master, dined once with the Princess.

Did not the persons who happened to be visiting in the Princess's house, take part indiscriminately, in the plays acted at the private Theatre? I do not recollect.

Did Mr. Hownam or Mr. Cavaletta, act there? I do not recollect.

Did you never see any parts performed but by the Princess and Bergami? At the moment I entered I saw the Princess and Bergami, and no other people, for I went away.

What part of a comedy was it? When I entered the room I saw Bergami playing the part of a buffoon, striking a bladder like a fiddler.

Did Mahomet perform his dance on that stage? I never saw him.

The witness was then cross-examined at much length respecting the different services he had been in after he left that of the Princess. He had served the Marquis of Onischalti, and went with him from Milan to Vienna. At Milan he was paid 50 soldi or 25 pence per day, and at Vienna 4 Livres. While with the Princess, his salary was 29 ducats every 3 months, each ducat being 6½ livres of Milan. He had been able to save 700 livres in the service of the Princess; he had a wife and two daughters, one nine years old and the other between two and three years.

After you left the Marquis of Onischalti, into whose service did you go? I went to the English Ambassador at Vienna, Lord Stewart, and he gave me something to live upon.

Were you postillion, lacquey, or courier? Lord Steward only gave me my living.

Do you mean that you became attached to his embassy as private Secretary? I was always at the Ambassade.

Were you in the house as a private friend? Not as a friend.

The witness proceeded to state that he had seen Colonel Durin, who spoke to him when he went to live at Lord Stewart's—he also knew a Colonel Brown, and both of them talked with him in French. He saw Colonel Brown at Milan, whither he went from Vienna, with his, (the witness's) father, on the 13th August, 1817.

Four o'clock being arrived the propriety of an adjournment was proposed, but Mr. Brougham implored their Lordships not to interrupt the cross-examination, for the sake of justice. It was agreed that he should proceed.

Who sent your father for you to Vienna? I cannot tell.

What is he? A carter or carrier—he came to Vienna to tell me to come to Milan.

In whose service were you then? The Marquis of Onischalti.

When your father took you to Milan did you see Colonel Brown

or Colonel Durin? I saw Colonel Durin at Vienna, and Colonel Brown at Milan.

Did you go to Milan merely out of respect to the order of your father? No: he told me that Colonel Brown wanted to speak to me, and when my father told me so I went to Colonel Brown directly.

Had you ever seen Colonel Brown before you went to speak to him at Milan? Never.

The witness then stated that his father paid the expences of the journey from Vienna to Milan—his father was not a man of any property, but they travelled comfortably in a calashe, and wanted for nothing—at Milan his father introduced him to Colonel Brown—he has subsequently gone for three months into Hungary, with Marquis Onischalti, as his cook—he did not remember that the English Ambassador gave him any thing when he went to Milan—Colonel Brown paid for his journey and his father's back to Vienna—his father and his wife, but not his children, were now in London, he, the witness, lived with them, but he could not tell in what street—it was about ten minutes walk from the House of Lords.

How many others live in the same house? I do not know.

Will you swear there are not not 70? I do not know the number.

Are there any other Italians besides yourself, your venerable parent, and your amiable wife? (Some disapprobation evinced by the House at this question). I believe so.

Are there many waiters at this inn or house? I do not know the number.

Do you know the name or the sign of the hotel? No.

Is it an inn at which you lodge? I never made the observation.

Have they brought you any bill to pay? No (with emphasis.)

Have you ever paid any Bill? No, but I shall have to pay.

Are you to pay yourself for your entertainment at this inn? I do not know; I have not yet been asked.

But are you to pay for your own keep? I do not know.

Were you ever in such a place before where you did not know whether you were to pay for your keep or not.

Lord FALMOUTH here interposed, and asked the Counsel if he were near the end of his Cross-examination, as it was considerably past the usual hour of adjournment.

## SIXTH DAY—AUGUST 23.

The Earl of LAUDERDALE wished each party to give in a plan of the different houses in which her Majesty and Bergami resided. He thought this would much assist their Lordships in the inquiry.

Lord ERSKINE approved of this suggestion.

The Earl of DARLINGTON moved that instructions should be given to lay before their Lordships each morning the proceedings of the preceding day.

The LORD-CHANCELLOR thought before the order was made, it would be necessary to ascertain whether or not the order could

be complied with. What passed could be given in the papers sooner than by the short-hand writer, and the clerks of the House.

The Earl of DARLINGTON, after what had been said of the difficulties that lay in the way, declined pressing the motion for the present.

The names of the Peers having been called over, at 20 minutes after 10 the Counsel were called in.

*Theodore Majocchi* was then placed at the bar.

*Cross-examination Resumed.*

Witness did not recollect a German Baron visiting her Royal Highness at Naples, nor at Genoa, afterwards on her way from Naples to Milan, but at the Villa Villani, during her residence there, there was a Baron, who visited her at Carlsruhe, but he did not know his name—it was the same person he spoke of yesterday, he could not recollect that the name was Ompteda, or something like it—he could not recollect his name, because it was such an extravagant one—he did not recollect whether it was Rampton, or any thing like it—he remembered that Baron, whatever he was called, sleeping there more than once. He remembered that he had a servant, but whether he lived with the servants of her Royal Highness he did not recollect. He did remember a room there being called after that person. Did not remember a thunder storm on a Sunday, when her Royal Highness and a party got very wet. He remembered the position of the beds of her Royal Highness and Bergami at Naples, but did not remember where the rest of her suite were. He remembered well where the Princess and Bergami slept, but as to the rest he could not remember.

In answer to a question, “Did the rest of the family sleep near or at a distance?” did you or not say they were separated, on your oath? I remember the position of the beds of Bergami and her Royal Highness.

You must answer the question. It is true.

Did you not give in answer to that question the following answer? (Answer repeated to him.) I said they were separated; but I meant that they were so situated that they could not communicate together.

Did you mean by that, that persons could not pass from one part of the house to the other?

A Conversation occurred between the Counsel on this question.

Witness said, what he remembered he had answered at the time. He had seen no other way from that part of the house where the rest of her Royal Highness's suite slept, to her Royal Highness's apartment but through the chamber of Bergami. He had seen no passage—no door, but what he had mentioned. He did not remember where the rest of the suite slept. Did not remember that the rooms in which Dr. Holland and Hieronemus slept were close to the apartment of her Royal Highness. When he went from Vienna to Milan to his father, he lodged at his own house. He supported himself on his money while it lasted. Did not remember how long

that was. He did not remember that any body gave him money when he left Milan. When he left Milan he had money given to him.

Did any body give you money at Milan? I remember not.

(This answer was interpreted to mean, that he remembered money had not been given, that he had received no money.)

He remained at Milan between eighteen and twenty days: he could not speak precisely. When returning with his father, he had paid, himself, for his venturino that carried his bags. Colonel Brown had given him money at Vienna to go to Milan. His father had given him money to pay for his journey there. He remembered nobody else to have given him money. Nobody gave him money when he was at Milan. He recollected that he received no money while he was there. He remembered he did not.

LORD LONGFORD from the gallery, submitted that it would be proper the last answer should be read to the witness, to know whether it was the answer he intended to give.

The MARQUIS OF LANDSDOWN inquired of the Lord Chancellor whether it would not be better that the examination of the witnesses should proceed without the interference of their Lordships, and that their Lordships, if they thought fit, might put any question afterwards.

The LORD CHANCELLOR said, he understood that these proceedings were to go in the same manner as the proceedings in the Courts of Law. As such, the course would be that the Counsel for the Bill should examine the witness first; the Counsel for the Queen would then cross-examine them, and the Counsel for the Bill would then re-examine them.

MR. BROUGHAM.—My Lords, this regulation is extremely proper. In any ordinary case, I might perhaps be induced to ask such a witness as this other questions. On the present occasion, however, I shall abstain, and ask him no more.

*Witness re-examined by the SOLICITOR-GENERAL.*

Did your father conduct you from Vienna to Milan to be examined as to the knowledge you possessed of the conduct of her Royal Highness while you were in her service? Yes Sir. Had you any other business in Milan? No. After that examination was done, where did you go to? To Vienna again. While at Milan, before you returned, and when about to return, did you receive any money? Before my departure I did. For what purpose? To make the journey. Did you receive any before that? I don't remember. What do you mean by "*questo non mi ricordo*"? When I say "*non mi ricordo*," I mean that I have not in my head to have received money, for if I had received the money, I should say "yes;" but I do not remember now the contrary.

On the motion of a noble Lord, whose name we could not obtain, the LORD CHANCELLOR stated, that the House expected that the Interpreter for the Queen would interpose whenever he thought the Marchese misinterpreted the answer of the witness.

The re-examination resumed. Who sent you to this country now? Colonel Brown. Do you not understand my question—Who sent

you to London now? I do not know, because a person came to fetch me from Vienna to London. Did that person come with you? This person has got me to London. After your arrival in London, did you go to Holland? Yes; I set out for Holland. Did you remain?

Mr. BROUGHAM.—I understand the rules of Courts of Justice are to be observed on this occasion.—The strict rule then is, that the Counsel re-examining is to interrogate only as to what arises from the cross-examination. I put no questions in my cross-examination about all this.

The SOLICITOR-GENERAL.—I am as desirous of preserving regularity as Mr. Brougham. He has asked when the witness left the Continent; how he came here; what he has been doing, and a variety of other questions, all relating to his journey to England.—*(hear, hear, hear.)*

During this conversation, the drums and fifes of the Guards without, beating a military salute, announced the approach of the Queen. In a few seconds she entered the House. On passing the witness Majocchi, she threw her eyes momentarily on him with a stern look, but in a moment ceased to gaze on him, and took her usual seat.

The SOLICITOR-GENERAL resumed. My Learned Friend has been inquiring of the witness how he went from Vienna to Milan, how he went back, what became of him on his arrival in London, and the manner he has been disposed of here, evidently intended to throw a discredit on his conduct, and to insinuate that his evidence has some over-ruling and improper motive. I apprehend, therefore, according to every rule of Courts of Justice, where the character and conduct of witnesses are examined, all circumstances which are alluded to in cross-examination are open to be adjusted and set right in re-examination; and if it were not so, Mr. Brougham might take the evidence piece-meal size upon a particular fact that suited his own purpose, twist that fact, and give it his own colouring, without my being suffered to shew the real state of the evidence. I trust, therefore, that your Lordships will see, as this journey has been alluded to, it is open to me, by every rule of evidence, to explain the real facts, and not suffer a garbled or coloured statement to remain unexplained on your minutes.

Mr. BROUGHAM rose. — *(Order, order.)*

The Lord CHANCELLOR.—Mr. Brougham you will have a right to reply.

Mr. BROUGHAM.—I believe so, my Lord; and I trust I may be allowed to reply in the manner in which I should be permitted to do so in ordinary Courts of Judicature—I mean without being interrupted by cries of approbation or disapprobation from the Judges. It was my intention to go through the whole of these journeys, and I have only abstained from carrying that intention into effect by what has transpired in evidence yesterday and to-day. If I have not forgotten myself, I think you will find I have not put one single question relative to the journey to Milan and thence back—except a little bit about Hungary *(a laugh)*, but I left him at Milan. I

took him up merely in London, and I never asked one word about his being sent to Holland.

The Lord CHANCELLOR.—If any Noble Lord is of opinion, that, after the circumstances which transpired in the examination of this witness yesterday and to-day, it is possible, consistent with regularity, to shut out this inquiry, such noble Lord will be so good as to state that opinion.

The Earl of LIVERPOOL conceived, that as this was a question strictly referable to the law of evidence alone, it would be as well if the opinion of the Learned Judges were taken on it.

The Lord Chancellor now consulted with the Judges.

The Lord CHANCELLOR.—My Lords, whatever difference may or may not exist between the Parliamentary rules of evidence, and the rules of evidence in Courts of Law, certainly the person who has now the honor of addressing your Lordships, is influenced by a conviction that the nearer and closer we adhere to the rules of evidence in Courts of Law, the better shall we be able to discharge our duty. And I do, upon my solemn honor declare, that nothing has induced me to state what I have on this subject but a conviction that no judicial man would differ with me. I have now asked every one of the judges, who have the honor of attending on your Lordships, what their opinions are, and they are every one of opinion that this examination ought to proceed. The re-examination was now resumed.

The last question was repeated. The witness said, he went to Holland, after his arrival in London, with the other witnesses. He remained there from twenty to five and twenty days. He came back with part of the witnesses, while others remained behind. They landed in the neighbourhood of the House of Lords, and were conducted to a house close by, where they have remained ever since; and from that house the witness was brought to give his testimony here.

When you were on board the Polacca, on your journey from Jaffa, when the tent was raised on the deck, were Madame Dumont and the Countess Okli on board? Yes.

Were the sleeping places of the women between decks?

Mr. BROUGHAM.—Now stop a little—pray stop a little: would it not be better to ask where the ladies slept.

The Lord CHANCELLOR.—I think it would be better for the Gentlemen on both sides to put their questions always in the shape of Interrogation.

Mr. BROUGHAM.—Except in Cross-examination. Your Lordship will not confine us to that mode in cross-examination?

The Lord CHANCELLOR.—No.

The SOLICITOR-GENERAL.—Well; these females were on board with her Majesty?—Yes. Were you dismissed by the Princess, or did you go away on your own account? I went away on my own account. I asked first for my dismissal at Rome, and afterwards twice at Pesaro. The second time I asked for it at Pesaro, Bergami granted it to me. When you left the Princess's service, did you



receive any certificate of character and good conduct from her Royal Highness the Princess? I did and have it. Who wrote it? Scavini wrote the paper. Have you it now with you? Yes, here it is.

The witness then took out of his pocket a piece of paper, which he opened and held up so high as to be seen all over the House. It was a sheet of paper, folded like a letter, and with a seal affixed to it.

What seal is that? It is the Princess's.

SOLICITOR-GENERAL.—My Lords, I beg the translator will translate this certificate, of the good character and conduct of the witness.

Mr. BROUGHAM objected to its being read now. He took an objection to the line of re-examination in which his learned friend had embarked. Why produce a certificate of character of this witness, when nobody impugned that character. "I am ready," said Mr. Brougham, "to admit that he was a good travelling servant, and had quitted the Princess's service voluntarily."

The SOLICITOR-GENERAL ably contended, that the whole force of the cross-examination of Mr. Brougham went to cast imputation upon the witnesses character. (Cries of "Go on.")

Mr. BROUGHAM then said he had a legal objection to the production of this paper, respecting character. It was written by some Scavini, and a seal said to be the Princess's, that might have been lying about her writing or dining-room, is affixed to it by somebody.

The Lord CHANCELLOR said, that there were two questions involved here. The first was, is this paper the act of the illustrious person to whom it was imputed? Next, if authentic, can it be received in evidence? On the latter point I have no doubt, nor have the learned Judges about me any, that it is admissible. Prove the seal.

The re-examination of the witness was then resumed. He said that Scavini was major-domo of the Queen's household, and had the general management of the domestic concerns.

Mr. BROUGHAM again interposed, and said, that the act of Scavini was not the act of the Princess, unless she was present and concurring.

The Lord CHANCELLOR.—Let the usual proof of the acts be tendered. When that is done the paper can be given in and read.

The re-examination having concluded, several of the Peers put questions to the witness.

Earl GREY.—Under what circumstances was witness dismissed from General Pino's service? He asked his dismissal from General Pino's Adjutant, whilst General Pino was at Milan: the Adjutant told him he must wait for the General's return.—When General Pino returned, the Adjutant informed him he was at liberty to go. He obtained no character at quitting, because he did not ask for one. After leaving General Pino witness went to Milan. Does not remember the date of his arrival at Milan. He was out of service there and subsisted by purchasing and selling horses.

A Peer.—Does the witness ever remember to have seen Lady Charlotte Campbell dine with Bergami and the Princess? *Non mi ricordo.*

The Marquis of BUCKINGHAM.—Did Bergami and the Princess

enter the bath together? Yes. The witness has said that he was at the door with two pails of water, when Bergami left the bathroom. Did he then see the Princess? No; because she was within—he could not see her. Was there another room which opened into that where the bath was? I never observed one. Did he observe any female attendants? None.

A Peer.—Was the tent on deck a double tent? Does not know whether it was for one or two persons; but the Princess was in that. Did it extend the whole breadth of the deck, or was there room for a person to pass? I do not remember.

Marquis of BUCKINGHAM.—At what time did the Princess take the bath? About noon. Was Bergami dressed or undressed when he came to the witness while standing with the pails of water? Dressed.

Lord FALMOUTH.—How did the witness know that the Princess gave Bergami the silk gown at Villa de l'Ami? Because he saw it on the back of Bergami.

Lord FALMOUTH.—He has not understood the question. (The question was repeated.) Because Bergami told witness that the Princess had given it to him.

#### SECOND WITNESS.

##### GAETANO PATURZO *Examined by the SOLICITOR-GENERAL.*

He was now Capt. of a merchant ship of 300 tons, in which he had a quarter share, but that at the time in question he was mate to the polacca, which conveyed the Princess in her journey from Sicily to Egypt, she came on board at Augusta, and had in her train Bergami, Theodore (last witness,) Victorine, W. Austin, Carlino, Schiavini, two Chambermaids, viz. Mad. Dumont, Brunetta, and a cook of the name of Frances. They first sailed for Geornito, but not finding water enough there they put into Tunis. The witness described the position of the different bed-rooms of the whole party before they arrived at Tunis. Bergami slept near the poop in the dining-room which extended from one side of the ship to the other, while the Princess had a cabin to herself. There was a considerable distance between the bed-rooms of Bergami and the Princess at this time, several others intervening, particularly those of the chambermaids; but the arrangement was altered after they left Tunis. The bed-room of Bergami was then removed to one adjoining that of the Princess, and consequently further from the poop of the vessel where he had hitherto slept; the person in Bergami's room, after the alteration, could not fail to see the Princess's bed. Two doors opened into the dining room, after the sailing of the ship from Tunis, one of them was nailed up. They went from Tunis to Malta, and from thence to the Island of Milo, and then to Jerusalem. The witness accompanied the Princess.—Being asked where Bergami rested, he said he left Bergami and the Princess sitting at dinner, and he saw no more as he went to dinner himself.

Some difficulty occurred on this point, and Mr. Denman took an objection which was over-ruled. The witness never saw Bergami

repose in any other tent but that of the Princess. He then related the circumstance of the attendance of the Princess at a ceremony at a Church in Jerusalem, accompanied by Bergami, Austin, and Schiavini—they were made Knights of the Sacred Sepulchre—at Java they embarked on board the witness's polacca, and a tent was erected on the deck—it was closed at night, and had a sofa and a small bed in it—the tent had a communication leading below, and whether the Princess or any other person went out or not, he could not tell—the tent was raised in the morning, and for the most part he had seen the Princess lying on a sofa, and Bergami on the bed.—Bergami was in his usual dress, a capotte, or morning gown—he had seen the tent closed in the middle of the day, for half an hour—he had seen the Princess and Bergami walking together on the deck, arm in arm—he had also observed them in various situations—sometimes sitting on a gun, their arms being round each other, to support them, as the gun was too small—he had seen the Princess and Bergami sitting on the bed, and sometimes Bergami was sitting on a bench near the mainmast, with the Princess on his lap, or on his thighs, with her arm round his neck, and his arm behind the Princess—he remembered St. Bartholomew's day—on that day there was general mirth on board, and illuminations—all the sailors had something to drink, and they cried "long live the Princess," "long live the Chevalier."

*Cross-examined by Mr. DENMAN.*

He said the Order of St. Caroline was worn by 6 or 7 of the Queen's suite—witness's father was the first pilot in the navy of Naples—the witness had always gone by the same name—the crew of the polacca consisted of 22 men—he had seen the Captain lately, but none of the crew, within this week—the witness had been at Milan in his way to England—the English Vice-Consul at Messina had first applied to him to come here on this business at the end of July last—the Consul sent for him.

What are you to have for coming here? For what I have lost it will be very little indeed. What is it? For coming here I must receive as compensation for ship and trade eight hundred dollars per month—the dollar is generally worth about 4s. 3d. Have you paid your travelling expences? I have paid nothing, as I came here accompanied by a courier, but I must pay of course. I was not willing to come, but I was told that I should be obliged by the Government of Naples to come voluntarily. The witness then stated that he had come to London in a public carriage. He had been at Milan for two or three days—he had seen Col. Brown there twice.

Did you see any person at Milan when you were under examination, who took down what you said? Yes, at Milan. Who was present? There were present Col. Brown, two other persons, the writer, and myself. Were you sworn on the Cross of Christ? I was not asked, but I spoke the truth, and will swear what I then said a thousand times. He came to London yesterday—he remained at Paris a day and a night—nobody talked to him there with respect to the depositions—nobody asked him about what he was to

say regarding the Princess—he was never examined on this subject before he left Messina for Milan; Have you been examined since you came to England? Yes. Before you came into this house? Yes. Have you been brought into this place before you came as a witness? No. When were you examined here? Yesterday. Do you know the name of the person who examined you? No. Were you sworn yesterday? No. Where have you been since your arrival? There, where all the rest are. There is a communication from a room below to this place. Who are the rest? I have not had the curiosity to label them. How many are there? I cannot say. Do you mean to say you do not know whether there are ten or ten times ten? Ten times ten make a hundred. Are there as many as six? I do not know whether there are more than three—the Captain, Theodore, and the cook. Where did you sleep last night? In a chamber. Who were with you? The Captain, Theodore, and the cook. He did not sup last night—he drank tea—there were five in the room—the three mentioned, another, and myself—I arrived here yesterday.

Here the cross-examination closed, and Mr. Brougham claimed to reserve a power to himself of calling this witness again, if necessary.

**THE LORD CHANCELLOR**—The House will be regulated by a sense of justice.

On the re-examination by the Attorney-General the witness said that he had a share in a ship at Messina, of 269 tons.

Is the sum of eight hundred dollars paid to you for demurrage, more than an adequate compensation for leaving your ship unemployed? I don't know whether the compensation is for the ship being unemployed, or for myself. I ask, if that is more than an adequate compensation for the ship being unemployed? Eight hundred dollars is not too much, because we do not consider the hire of the ship for carrying goods, so much as what we make by our trade.

Is that a compensation adequate for the trade of the ship? I cannot tell, for, if the speculation succeeded I should gain more, and on the contrary I should lose.

**EARL GREY**.—Where is the ship now? At Messina. Was it about to sail on any other voyage? No. Was the remainder unemployed in consequence of your absence? It might be sent by the other proprietors in the course of trade—another Captain might be put in, and that would injure my business. Then I understand that the compensation is for your absence, and not for the ship being unemployed? For leaving the ship and neglecting my own trade. Have you a share of the profits of the ship made in your absence? A fourth part of the profits are my own, after deducting the expenses. Have you a share of the ship, or the merchandize? Not of the merchandize. How many sailors were usually on deck at night, on the voyage from Jaffa? Half of the crew were on deck, and half at rest. There were always ten or eleven on deck at one time? Yes; and in bad weather all are on the deck, but never fewer than ten or eleven. These were in the habit of walking up

and down, except the man at the helm, and those who went to look after the horses—there was a passage on one side of the tent, but not on the other—the crew were in the habit of passing the tent when on duty; the others remained on the fore-castle.

In answer to some questions from the Marquis of LANSDOWN, the witness said, that the bench and the gun on which he had seen the Princess and Bergami sitting, were, in the middle of the vessel. The Captain, on some pretence or other, had ordered the witness away sometimes, from the part of the ship where the Princess and Bergami were, and as soon as he was gone, he could not tell what was passing.

At the time you saw the Princess and Bergami reclining on the gun, was the weather calm or otherwise? If it had been stormy, they would not have been on deck—once there was a storm and they kept below, but it was summer, and the weather fine. On that occasion, was there much motion in the vessel? No; it was calm; we had only light airs and calms.

LORD ROSBERRY.—The witness had stated, that on the voyage from Jaffa, there was a communication below the tent—Did that go to any other part of the ship, or to a place from whence there was no exit but through the tent? I will describe it.—(The witness, with a pen and ink, drew a rough plan of the deck and the tent, with the positions of the sofa and bed, from which it appeared, as we understood, that there was a communication between the tent and the lower part of the ship, besides the usual entrance. The plan was exhibited to the House.) Then, when the tent was so placed, was it possible to get into the dining-room excepting through the tent? There was another place which I marked. When the Princess and Bergami were on the bench, were there any persons near who could see their position? Yes; for that was the time when they were taking the fresh air.

LORD AUKLAND.—In what part of the ship was Theodore Majocchi during the voyage? He had a hammock assigned him in the hold, but wherever he was more easy there he placed himself. Could he, from the hold, possibly hear what, in the course of the night, passed on the deck? No; because the noise must have passed through two decks. Did Majocchi ever sleep in the dining-room? I do not know.

LORD ELLENBOROUGH.—Where did Bergami sleep during the voyage to Jaffa? There were two beds in the tent, and when it was open, it was seen that one was Bergami's, and the other the Princess's sofa; when the tent was closed I had no communication with the part of the ship belonging to the Princess.

The witness, being further pressed upon this point, added, that the noise of the horses induced Bergami and the Princess to sleep on deck: before them, Bergami's bed was laid upon the planks.—Majocchi, and other persons slept in the same place.

When the Princess retired, at night, into the tent, have you ever seen the lanthorn handed out? Yes; sometimes it was handed out, and sometimes conveyed down below by the communication I spoke

of; sometimes the sailors, sometimes Theodore, and sometimes the Captain took away the light.

LORD BELHAVEN.—Do you know who gave out the light? No; the light remained some time in the tent after it was properly arranged. Did any person sleep in the dining-room during the voyage from Jaffa?

MR. DENMAN objected to the witness being asked any question, the answer to which would not depend upon his own knowledge.

The LORD CHANCELLOR referred to the precedent of the Berkeley Peerage, where Noble Lords had held themselves bound by the rules of evidence prevailing in our Courts of Justice. He concluded, that the same limit would prevail now.

LORD DARNLEY. During the same voyage, did the Princess take off her clothes, or sleep in them? We must distinguish between knowing and seeing: the Princess and Bergami slept on deck, for every body said so: I have seen the Princess open the tent in the morning to get a little air, in a white gown, or some gown. Did you ever see Bergami look out of the tent about the same time? No; because the Princess opened the tent to the sea, and just as little as to be able to look out. Was there any communication between the chambers of the Princess and that of Countess Oldi when they both slept below? There was.

LORD LAUDERDALE. From your knowledge of the relative situation of the dining-room and the tent, could any person in the former hear what passed in the tent when it was shut up? Yes, a person might hear well, provided the words were pronounced with a certain force.

The witness was then ordered to withdraw, no more questions remaining to be put to him.

The LORD CHANCELLOR then gave notice, that he would move a resolution to-morrow, relative to the prosecution of witnesses and the privilege of the House. On consulting with the judges, his opinion had been confirmed, that if the witnesses swore falsely on this investigation, they were punishable as before other Courts.

Adjourned at five o'clock.

#### SEVENTH DAY—AUGUST 24.

The LORD CHANCELLOR read the Resolution, which he alluded to yesterday, and which was as follows:—

“Resolved—That if any prosecution should hereafter be held in any Court of Justice, touching the evidence, or any part thereof, given before this House, in the proceedings upon the Bill of Pains and Penalties against the Queen, this House will, notwithstanding any privilege to the contrary, give to the Court below, if it shall be desired therein, all the evidence which may be required in the case, and which may be in their Lordships' possession.”

On the motion of the Noble and Learned Lord, this Resolution was agreed to.

## THIRD WITNESS.

VINCENZO GUERGUULO *Examined by the SOLICITOR-GENERAL.*

He stated in his examination that he was master and also owner of the vessel called the *Industry*. She was no longer called by that name, but by the name of *Abramo*. She was engaged to carry out the Princess of Wales from Augusta to Tunia, and from thence to Greece and the Holy Land. The arrangements of the cabins for her Royal Highness and suite were made by witness, before the Princess embarked in the vessel. They were carefully made by him at Messina. They took the Princess and her suite, among whom was Bergami, on board at Augusta. The arrangements which it was previously thought would be agreeable, were made by witness at Messina. Before the Princess and Bergami embarked at Augusta, they went on board his ship to see the disposition of the cabins. The Princess, after this survey, ordered a door in the dining-room to be closed. He had it made up accordingly. There were two doors opening into this dining-room; and she ordered the one on the left, which looked towards the bow of the vessel, to be locked up. There was a cabin contiguous to the dining-room where this door was nailed up; it formed a line with the left of the ship. This cabin was occupied by the two maids, *Mdlie. Dumont*, and *Mdlie. Brunet*. At the opposite side of the door which was shut, Bergami had his apartment. The only mode of entering the dining-room from the body of the vessel, was by the door near Bergami's place, or by the ladder which went from the deck down into the dining-room. There was no door at the end of the ladder, but there was a hatchway at the top, which opened and closed by desire. There was no entrance into the dining-room except by this hatch-way, or by this door near Bergami. Beyond the dining-room and towards the stern of the vessel there was a cabin which had a division in it for two beds—in one division there slept the two maids—the Princess slept in the other, upon two sofas, joined together, so as to make a bed of about six feet and a half in breadth. Bergami slept the two first nights he came on board in a cabin by himself—he afterwards had his bed removed into the dining-room, where he slept on a sofa at the right side of the room. The position in which he slept was so situated that a person lying down asleep in the Princess's bed could be seen from it, if the door of the Princess's chamber was left open. The distance from one bed to the other was ten or twelve feet. Bergami slept in the dining-room, the Princess in the room on the right hand, and the *Dame d'Honneur* on the left. This arrangement was altered during the voyage, he believed during the warm weather at Constantinople. The Princess had a bed placed for herself in a tent erected upon the deck, a sofa was put up in the tent for the Princess; and a travelling bed of her Royal Highness was also placed there for Bergami.—That is, under the cover of this tent were two beds; Bergami continued to sleep in one of these, and the Princess in the other, until they arrived at the port of Anzo. This tent was at different times; when the Princess and Bergami were in

it, closed, where it was occasionally open at other times to admit air. The witness was with the Princess when she had the tent on board. He had seen her in the tent.

On these occasions was she always standing up or lying on her bed? For the most part I have seen her sitting on the bed. Where was Bergami on those occasions? Under the tent coming out. Was he always entirely dressed, or how was he dressed? I have seen him entirely dressed. What sort of a dress have you seen him wear on those occasions? On deck he went with a Grecian dress, he bought at St. Jean d'Acre. But when he went on shore he was dressed either in a coat or as a Colonel. After the tent was closed at night, in the manner in which you have described, was any light or candle usually in the tent? No.

I am not asking you whether there was any light remaining under the tent. At any time was there a light in the tent and what was done with it? Yes; When there were only light and no wind, the light was given out of the tent. If it blew a gale, the light was carried away by the ladder. Can you tell who was in the habit of taking the light out of the tent, when it was delivered out upon deck? Whoever was present; sometimes I have taken it myself. The light usually remained in the tent after it was closed ten or twelve minutes. Who usually handed the light out? Bergami. Witness has said, he sometimes saw the Princess sitting on her bed and sometimes lying in the tent. How could he see her so? I often did. She ordered that the tent might be made as a pavillion, because, in the morning it might be turned up. Did you ever see her so, after dinner? Yes, often after dinner. Was Bergami there at those times? Yes. In the day-time? Have you ever received any directions, when the Princess and Bergami have been under the tent together, or close to the tent? Yes. Have you in consequence closed it when they were in it together? Yes. How frequently did this happen after dinner? In the day, I cannot say always or a little, but in a week, three or four times. Were the Princess and Bergami both inside the tent? Both in the tent. How long have they continued in that way together? About a quarter of an hour, or half an hour, or an hour. On those occasions, when you have closed the tent, have you ever seen them both in their beds?

Mr. BROUGHAM.—That is a leading question. Ask him how they were situated.

The SOLICITOR-GENERAL.—I say it is not a leading question: but, I have no objection to put two questions instead of one.—It must come to that in the end.

The witness has told us he has seen the Princess on the bed in the day time? Yes.

Where was Bergami? Sometimes on the bed; sometimes standing. For the most part on the little bed lying. And did you close the tent, leaving them so? Yes. In what position has he seen Bergami lying upon the bed; on his back or on his side, or how? On his back. Does he remember upon any occasion when he has seen Ber-



gami lying on his back receiving any directions from the Princess for closing the tent? I remember that Bergami was lying on his back on the bed, her Royal Highness was sitting near him, and Scavina was walking about, when I received the order to close the tent it was from Scavina. Did he in consequence of this close the tent upon the Princess and Bergami? Yes. Do you remember Bergami coming out of the tent? Yes. About how long after? About the time I mentioned, half or quarter of an hour. Will you ask the witness whether the Princess ever took a bath on board? Yes. Did she do this more than once? Yes. Does he remember her going below for that purpose? Yes. Who went with her? Bergami.—Upon all the occasions which he remembers of the Princess going below for a bath, was she accompanied by Bergami? I have always seen her accompanied, not only when she was going to take the bath, but for any other business she was doing. Were there other occurrences besides the Bath, that rendered it necessary for the Princess to go below? (The answer of the witness explained those obvious occasions.) For whatever purpose the Princess went below, was she or was she not accompanied by Bergami? She was. Has he at any time seen Bergami sitting on the deck? Yes. Has he ever seen the Princess with him upon those occasions? I have seen Bergami sitting on a gun and the Princess on his knees, kissing each other. Has the kissing been only once, or more than once? More than once I saw them. When the Princess walked, whose arm did she take, or did she take the arm of any one, and if so, whose? The Princess when walking, took the left arm of Bergami for the most—almost always—for I have never seen her take the arm of any one else. Has the witness, during the voyage, seen any joke or tricks played by Bergami? I have. Did he ever see this in the presence of the Princess. Yes, I have. Describe what it is to which you allude? I have seen him under the Grecian robes he had on, put pillows and cushions, and make some motions to make her Royal Highness laugh. Where were those cushions placed? Down his stomach.—(the witness made a motion with his hand.)—

The SOLICITOR-GENERAL—Below the stomach? Yes. Does the witness know what that was to represent?

Mr. WILLIAMS objected to the opinion of the witness being taken.

—The House were to infer from facts, not the witness.

The LORD CHANCELLOR—If the witness says he does know, you may follow that by a question.

The question repeated. It was some tricks to make us all laugh, as well as her Royal Highness.

The SOLICITOR-GENERAL—That is not the answer.

Repeat the question.

Does he know what these cushions were meant to represent? As far as I know, it was buffoonery. After this tent was erected on the deck, where was the Princess in the habit of dining? Under the same tent. Who usually dined with the Princess under the tent? Generally Bergami; always Bergami. Did these two persons generally dine alone, or with some other person? Sometimes alone,

sometimes with William, one that was reputed to be her Royal Highness's son. How did her Royal Highness call William either in his presence or when he was absent? Some called him William, some called him Prince, and sometimes I have seen her Royal Highness give him some token of affection as a mother does to her child.

During the time Bergami and her Royal Highness slept on the deck in the night, where did the little Victorine sleep? The room called the maids, was for two maids, so when her Royal Highness went to sleep on deck, one of her Royal Highness's maids went to sleep in her room, and Victorine went to sleep in the same room with her. Was this the same room under the deck to which you before alluded? Yes. Do you remember the christian name of Bergami? Bartholomew. Do you recollect any thing which took place on St Bartholomew's Day, on board? I remember being at Syracuse, coming from the Holy Land; on that night there was a general illumination in the ship. Bergami made the crew all drink, and gave them a dollar a peice; and when they were drunk, the sailors shouted "Long live the Princess!" "Long live the Chevalier!"

While this was going on, were the Princess and Bergami together? Bergami was walking on the deck, applauding the sailors. The Princess was sitting on the deck, Do you remember the Princess walking that night? I remember her walking. With whom? With Bergami. In what way? Arm in arm. Do you remember seeing Bergami embark at Terrisina? I remember seeing him embark in the launch, and saw the launch come back empty. How long was he away? He was absent three days. At what time did he return? During the night. Was the Princess on board at the time? Yes. Where did Bergami go on his arrival? The Princess went to meet him at the top of the ladder, and they both together went under the tent. Was the tent afterwards closed? Yes. Did they remain under the tent all night? Yes.

The witness, after stating that he was to receive one thousand dollars per month, and one thousand dollars in advance, for his loss of time and business, proceeded to state, that he was examined at Milan, by Colonel Brown and an Italian Lawyer, and his depositions were put in writing; he had come here with the King's Messenger and his servant. He had not come voluntarily, but was obliged by the Podista; he had seen Paterzo yesterday; they slept in adjoining rooms, and took their coffee together this morning; but he had not heard from Paterzo what evidence he had given: he thought it would be improper and discreditable to do so. He had been in the House of Lords on Monday last, and he knew the individual who brought him in; it turned out to be Mr. Bouchier, a Solicitor, but he had never had any conversation with him as to the nature of the evidence he was to give.

The witness was then re-examined by the Solicitor-General, and said, that making a fair calculation, the sum he was to receive was not more than a fair compensation for the losses he should sustain; it was not sufficient to compensate him for what he was likely to lose.

On his examination by the Peers, he said, that he was paid 750 dollars a month by the Princess, and all his expences for the polacca. No person was in the tent at night with the Princess but Bergami, who remained there all night, and he saw nobody go in the intermediate time. There was a communication with the tent by a ladder from the dining-room.

Was it possible for Bergami to get to the dining-room by that ladder, without your seeing him? It might have happened, although the passage was small. Was Bergami's bed ever made below after the ship quitted Jaffa? Never; once I remember Bergami's going below, in consequence of bad weather: both he and the Princess went below together. Was a bed prepared for them on the deck? No; Theodore or Carlino took the light out of the tent down the ladder; he then gave some further explanations about the 750 dollars, which the Princess was to pay for the hire of the polacca; he had been disappointed in the profits he had expected to make; he was obliged to keep the ship in better order, in consequence of having a Royal personage on board. In consequence of your being disappointed in your profits, did you make an application to her Royal Highness or any person acting for her? To her Royal Highness I did not apply, because when they discharged me from her it was on account of Bergami, who wished me to carry them to Venice. The Princess always commended what Bergami recommended; but the wind was adverse and I could not do it for want of water for forty persons in nine hours. Bergami had promised me a present, but refused to give it me when I asked for it, because I had refused to take them to Venice. I have claimed remuneration from the British Government, in a memorial, and in consequence of this memorial, the English Government knew that I was the person who took the Princess to sea. Did you, under any pretence, desire your men to withdraw from any part of the ship where the Princess and Bergami were? I do not remember it. At one time I recollect seeing the Princess and Bergami sleeping on the bed. I ordered the mate to go away, for being a young man I did not think it decent that he should see what was improper. Other persons were walking on the deck at that time, but I sent them some one way and some another. Who remained there? None but the Princess and Bergami. I desired all to withdraw, but Schiavini, who always remained to receive orders of the Princess. When the tent was shut, did Victorine remain within, and was the ladder withdrawn? The tent was not always shut. I could not tell whether Bergami went away or not at night; but in the morning when the tent was opened I saw the hatch-way closed down, up which the ladder went. In consequence of the memorial, did you receive any present? No; I was told to go to London and see about it myself. Who told you to go to London. Col. Brown. Did you ever see Bergami and the Princess sitting on a gun together? Yes, Bergami was sitting on a gun, and the Princess on his knee. I then sent the men away, whenever they stood looking at such things. The witness went on to state that he had obtained a certificate of good conduct from the Princess at Villa

*D'Este.* The sitting together on a gun happened more than once—the witness was not in the habit of going down into the dining-room every night.

Mr. BROUGHAM then applied to their Lordships that *Theodore Majocchi* might be called back to be asked whether he had been at Bristol within the last 14 months.

*THEODORE MAJOCCHI* re-called, examined by Mr. BROUGHAM, (*putting his Questions through the Lord Chancellor.*)

The witness, before any question was put to him, begged leave to say, that he was ready to lay down his life that the evidence he had already given was correct.

Were you at Bristol last year or this year? No. Were you at Gloucester during that period? Yes, I know Gloucester well. Were you ever in the service of a Gentleman of the name of Hyatt? I was. Did you ever declare to any person there, that the Princess of Wales was a most excellent woman? Yes, I have said she was a good woman (*buona donna.*) Have you ever said that her conduct was highly becoming? I have always described her as *buona donna*. I have always said that she was a good woman, but surrounded by bad people (*canaille.*) Have you ever said that her conduct was extremely prudent, and that you had never observed any thing improper in it? I do not recollect that I ever said so. Did you ever say that the Princess had always behaved herself with propriety? No, I never said so. Do you remember a gentleman of the name of Hughes, at either Bristol or Gloucester? I do not recollect any one of that name at Bristol. Do you recollect any one any where of that name? I do not recollect the name, but I might recollect the man. Was he a Banker's clerk? I do not know. Do you know Mrs. Adams, the mother of Mr. Hyatt? Yes, I have seen her. Did you ever say to Mrs. Hyatt, that Bergami kept back part of the servants' wages? Yes, I did say that Bergami after a long voyage wished to lower the wages. Did you ever say any thing to any body about the Princess but to Mr. Hyatt? *Questo non mi ricordo.* Do you remember Mrs. Hughes, Mr. Adams's house-keeper? Yes, but I did not know her name. Had she a son, clerk to a Banking-house? I recollect her son coming to visit her. Did you ever tell him any circumstances with regard to Bergami and his own wages? I do not recollect precisely. Did you ever tell him that the Princess of Wales was an excellent and prudent woman, and that you never saw any thing improper in her conduct? I do not recollect.

The ATTORNEY-GENERAL here appealed to their Lordships, whether it were proper to pursue this inquiry. He was interrupted by loud cries of "go on." and the examination was continued.

Did you ever state that the Princess of Wales, as far as you have seen, had behaved herself in a proper way? I do not recollect. Did you ever travel in a stage-coach between Gloucester and Bristol, or any other place? I only recollect travelling from London to Gloucester; I recollect no other journey in a stage-coach. Did

any person ever ask you any questions in a stage-coach with regard to the deportment of the Princess? I do not recollect any such thing. Did you ever say to any person in England that you had been applied to to give on account of the conduct of the Princess? Not in England. Did you ever say to a Mr. Johnstone, in a stage-coach, that you had great advantages offered to you, if you would be a witness against the Princess? I will lay down my life if ever any such offer had been made to me. Did you ever say to a Mr. Johnstone, in a stage-coach, that you had been offered a sum of money, or a place under Government, for what you were to say against the Princess? To you I will answer no more; you ask me things I never dreamt of. Had you ever any conversation with any body in a stage-coach respecting the Princess of Wales? I have never spoken about the Princess in any stage. Did you ever speak about the affairs of the Princess of Wales in the course of any journey in England, when you were in a stage? Never about the Princess; I never meddled with those discourses. Did you ever, at any inn, or in any stage during a journey in England, say that you expected money or a place under Government, for giving evidence against the Princess? Never, never. (with great emphasis.) How long were you in England when you lived with Mr. Hyatt of Gloucester. *Non mi ricordo*, because I have not the book here in which I entered it. How many months were you in Mr. Hyatt's service? I have not here the book in which I put it down.

The SOLICITOR-GENERAL, with the permission of the House, put the following questions:—Did you come from Vienna to this country, as servant to Mr. Hyatt? Mr. Hyatt brought me here. Did you continue in his service until you set off on your return to Vienna? Yes; he paid the fare of the coach for me.

LORD ELLENBOROUGH.—When you spoke of the Princess as a *buona donna*, (a prudent woman); did you refer to her moral conduct as a woman, or to her behaviour as a mistress? When there was discourse respecting the Princess of Wales, I always said that she was a *buona donna*, because if I had said that she was a *cattina donna* (a bad lady), they would have fought me or knocked me down.

Theodore Majocchi having retired, Lord Liverpool moved the adjournment of the House, it being half-past four, but it was decided amid cries of “go on, go on,” that another witness should be called.

#### FOURTH WITNESS.

FRANCISCO DI ROLLO Examined by Mr. J. PARK.

He swore that he was a native of Piedmont, that he had served the Marquis of Cierni, and subsequently the Princess of Wales, in the capacity of cook. He came to her Royal Highness on her return to Venice, and remained about two years. He had been hired by Bergami, whom he had previously known in the service of General Pino.

In what capacity did Bergami then act with General Pino? As

valet; he used to come into the kitchen, to fetch the dishes which he put on the table. How long were you in the same service with Bergami? I was in the service of General Pino, and he was in the service of the Countess Pino. (*A laugh.*)

The witness was unable to state how long Bergami had been in the service of General Pino. Bergami had served the Countess before she was married to the General, and the witness left him with the General. The witness had left the Princess, because the brother of Bergami had persecuted him, and he was not able to endure the work. He was with her at Villa Villani and Villa d'Este, and had accompanied the Princess on her voyage to Greece, acting as cook on board the polacca. He left her service at the Barona.

Do you recollect where the Princess slept on her voyage to Greece? I do; she sometimes slept under the deck, and sometimes in a tent, as you went towards the poop,—Where was the usual place where the Princess slept on the voyage from Jaffa to Italy? She always slept in the tent, except when they landed. Do you know where Bergami slept on the voyage from Jaffa to Italy? I saw him in the evening in the tent, and then the tent was closed. Have you ever seen Bergami, in the morning, come out of the tent? Sometimes, but not in the morning early; he came out at a certain hour. At what time in the morning did Bergami come out? Sometimes I saw him in the morning early, sometimes a little later; but he was always in the kitchen boiling potatoes for breakfast. In what part of the vessel was the kitchen? At the mast near the bowsprit. Was the tent down at night?—Yes. In what way was the tent fastened down at night? The tent was closed and covered; but I did not take notice, because I was attending my kitchen. Did you ever see a light under the tent at night when it was closed. Twice I have seen a light put out of the tent. Do you know who put the light out? How can I know. Who took the light when it was put out? Either Theodore or Carlino. When you saw Bergami come out of the tent in the morning, how was he dressed? He had a silk gown on which he got made in a part of Greece.

Five o'clock having arrived their Lordships adjourned.

#### EIGHTH DAY—August 25.

LORD ELLENBOROUGH begged to notice some imputation that had been cast on Lord Stewart, now absent on the public service, by a Morning Paper, founded on the evidence of Majocchi. That witness had said, that on August 30, 1818, on leaving the service of Marquis Marescalchi, he went into that of Lord Stewart, at Vienna; now, that was impossible, as far as date, because he saw Lord Stewart in England at that time.

MR. BROUSHAM begged to state that his re-examination of Majocchi had not been founded on any letter, as had been mentioned in the public prints—it was on most important facts that had come to his knowledge—facts that he should be able to prove.

*Examination of FRANCISCO DI ROLLO resumed by Mr. PARK.*

In the course of the voyage from Jaffa to Italy, did you ever see the sides of the tent down in the day-time? Yes. What persons were under the tent when the sides have been let down in the middle of the day? As usual; there was Bergami and the Princess. Did the witness accompany the Princess on shore, when she went to Jerusalem? Yes, I went with her also to Ephesus.—Before the time you went on the voyage, and after that time, had you opportunities of seeing the Princess and Bergami together at the Villa Villani, Villa d'Este and the Barona? Before the voyage, no; because they possessed not yet, the Barona. Then, at the Villa Villani and the Villa d'Este, had you opportunities of seeing them together before the voyage? Yes.

On these occasions, how did they conduct themselves towards each other? Arm in arm together. Has the witness ever seen them together in the kitchen at the Villa d'Este? Yes. On what occasion has that been? When they were going to have something to eat; and then a napkin was spread for it. Do you recollect was any other person present on these occasions? Sometimes the Dame d'Honneur was present. Well, when they were in the kitchen on these occasions, what way did they eat? I have repeatedly seen her Royal Highness cut some pieces up, and then stick a fork into a bit, and eat it herself, and then stick her fork into another bit, and said, "here it is for you—eat also." Did witness ever see the Princess and Bergami on the lake together? I have. Was any person with them, or were they by themselves? Sometimes they were alone; he rowed, and she was with him. Does witness recollect a person of the name of Mahomet? I do. Does he know of any exhibitions made by him in presence of the Princess? I do. What sort of dress had Mahomet on at such times—was it in European dress or a Turkish one? Turkish. Will witness describe what he, Mahomet, did? (Witness described in action the gesticulations made by Mahomet, as they had been represented by a former witness.) Did you observe the Princess on that occasion? She looked and laughed. Was this exhibition made before the Princess more than once? Once I have seen him in the kitchen, and at another time he was in the court, and she at the window. Was witness with the Princess at Turin? I was. Were they at an inn? They were. Does he recollect the Princess going to court on any day? I do. Does he recollect whether on that morning he was in Bergami's bed-room? I do. What time was it? Nine, or half-past nine. Had the Princess got up at that time? I do not know. For what purpose did he go into Bergami's bed-room? I went to carry a ruff (to be worn round the neck) and a pair of gloves. Did the door of the chamber of the Dame d'Honneur open into the room of Bergami? It opened into the room of Bergami, and on the right hand lay the room of the Princess. Did Bergami's room appear to have been slept in or not? At the moment I was coming out of the room of the Dame d'Honneur, I saw Bergami come out of the room of the Princess, and open the curtains of his bed. I saw that it was made, and he scolded me,



Was Bergami dressed when he came out of the Princess's room or not? No. What clothes had he on? He had on a robe-de-chamber or morning gown, striped drawers, stockings and slippers. Do you remember at Barona any balls being given by the Princess? I do. By what description of persons were they attended? By the people of the neighbourhood—by no gentlemen, but people of low and middling rank.

*Cross-examined by Mr. BAUGHAM.*

When did you come to this country? When they brought me here? When did they bring you here? About nine or ten days ago. Where were you till then? With my master. Who is he, name him? The Marquis Marchesa. Where does he live? At Clermont. How long were you with him? Nearly three years.—I am with him still. When were you first examined on this business? About 22 or 23 months ago. At Milan? Yes, at Milan. Who examined you? An advocate called Vi Mancharte. Was any other person present? Three or four. Have you ever seen him (the Advocate) since? Once. When? Before I came here. Did witness go to him at Milan, or did any body take him there? They sent to me saying, they wanted to speak to me, and I went. Was it at that time that you agreed to come here? Yes. Have you ever seen him since? No, because I went to Piedmont.

To the next question, witness described himself to have been twice to the house of the Advocate, and at one of these times to have seen several gentlemen, one of whom he knew.

What was the name of the person who was known to you? Colonel Browne. Was it Colonel Browne that sent for you to go to Milan? Yes. How do you know? Because I saw him at the Advocates: he lived near to him. What wages does witness receive from the Marquis Marchesa? A livre of Milan, eating, drinking, every thing comfortable, and plenty of perquisites, which are a good many. Now what wages had you from the Princess? Every three months I got 10 Napoleons, that is ten 20 francs. Had you your keep there? Yes. Every thing comfortable? Nothing but eating and drinking; all the rest I had to find myself.

His business on board ship was that of a cook, and his kitchen was on the foremast deck. He did not know where the maids slept, nor in what cabin Hieronimus slept, there were so many cabins at the right and the left. He was not aware what he was to have for coming here; he believed nothing at all but the trouble (*a laugh*); and he hoped soon to be back with his master. He knew his daughter was to receive some money for her subsistence; what it was he did not know; and having had no letter since he came from home, he could not tell.

The Earl of LIVERPOOL.—When you say Bergami's bed did not appear to be slept in, do you mean that it did not look much deranged? I do mean so.

In answer to questions from the Marquis of Landsdowne, the Earl of Lauderdale, and other Peers, the witness said, that the Turk Ma-



homet, "used to play his pranks occasionally before the other servants as well as before the Princess."

When he saw Bergami coming out of the Princess's room, it was about nine o'clock on the day she went to Court. He had had quarrels with Bergami about his accounts, and did not ask for a character. He went away because they told him he might go. He remembered the King and Queen visiting the Princess at Turin; they all then went out together in three carriages; Bergami was in one of them, but he could not say which. The witness was asked a variety of other questions respecting his having been in General Pino's service, but they were immaterial. He was then ordered to withdraw. He was called back for a moment, and he replied to a question of Mr. Brougham's, that he was once confined in his room on account of a hurt received in a scuffle; and that then the Princess visited him; it was in the day time, and only once. The Princess was attended by Bergami, who said, "it is the Princess who visits you."

FIFTH WITNESS.

SAMUEL GEORGE PECELL, Esq. *Examined by the ATTORNEY-GENERAL.*

What were you, and where were you, Sir, in March, 1815? I was in March 1815, a Post Captain in his Majesty's Navy, and had the command of His Majesty's frigate *Clorinde*.

Where were you at that time? At Civita Vecchia. Did you there receive her Royal Highness the Princess of Wales, on board your ship? I did.

Do you recollect who accompanied the Princess? I do recollect many of the persons in her Royal Highness's suite. Who came on board? The Princess, Lady C. Lindsay, the Hon. Mr. (or Mrs.) North, Madame North, Madame Falconet, the wife of a Banker at Naples, and her two daughters, Dr. Holland and a suite of various servants. Was there a person of the name of Bergami amongst them? There was. In what capacity was he? A menial servant. Did he act as such on board? He did. Were you, Captain, in the habit of dining at the same table with the Princess while her Royal Highness remained on board on the occasion to which you allude? I was, the Princess sat and dined at my table. Did Bergami on those occasions, at dinner, wait at table among the other attendant menial servants? He did. Where did you in March 1815, convey her Royal Highness from Civita Vecchia? I conveyed her in the *Clorinde* to Genoa. Did you on the voyage touch at Leghorn? Yes. Did any of the Princess's suite quit her Royal Highness while you touched at Leghorn? Yes. Lady Charlotte Lindsay, and Mr. (or Mrs.) North. Was there a boy named Wm. Austin on board? Yes. Where did you sail from Leghorn? To Genoa. Did you land the Princess there? Yes, with her suite. How long had she been then on board? About seven days. In the course of that autumn of 1815, were you again at Genoa? I was in the month of August. Did the Princess at that time embark on board the *Leviathan* at Genoa? I do not think her Royal Highness embarked on board the *Levi-*

athan until the November following. Did you happen to see her Royal Highness when she was about to embark on board the *Leviathan* at Genoa? I did. How did she come to the shore side?—She came in a carriage, I recollect. Who was in that carriage?—The Princess, the Countess of Oldi, Bergami, an infant, said to be his child, and I think somebody else but I do not recollect the person. Where did you go afterwards with the *Clorinde*? I sailed with the *Clorinde* from Genoa to Sicily. At what time did you arrive at Sicily? I arrived in Sicily on the seventh of September, 1815. Did you receive her Majesty again on board the *Clorinde* at Sicily? Yes; I received the Princess on board at Messina. Previously to that second reception of the Princess, had you any conversation with her Royal Highness, or any conference with her?—I had. State what that was. I received a letter from Mr. Hannam one of the Princess's Suite, that her Royal Highness intended to embark on board the *Clorinde* for Genoa.

The ATTORNEY GENERAL.—I speak of the Princess's embarkation at Messina? Yes.

I expressed to Captain Briggs, the morning after I arrived at Messina, the uneasiness I felt at keeping a table for the Princess and suite on board, in consequence of the change in Bergami's situation; and I sent him to her Royal Highness to say, that I was ready to do every thing in my power to make her situation comfortable, while on board the *Clorinde*, provided she made one sacrifice, which, as a naval officer, I was bound to exact, namely, that as a person named Bergami, who had, when her Royal Highness was last on board, attended the table as a menial, I could not now think of receiving him as an equal at table. Capt. Briggs said he would see her Royal Highness.—He accordingly, in the course of the same day, informed me, that he had seen the Princess, and had a conference with her, and that from her conversation, he thought there would be no difficulty in adjusting the whole matter. He added, that the Princess desired to see me on the following day. I accordingly waited upon her on the following morning, to know her determination. The Princess declined seeing me, and desired Mr. Hannam to say that my request would not be acceded to, and that she in consequence would provide her own table.

How soon after did she embark on board the *Clorinde*? On the 6th January, or about a month after Captain Brigg's communication. Who accompanied her on board your ship? The Countess of Oldi, Bergami, Wm. Austin, Schavini, a child, said to be Bergami's, and various other servants. Where did the Princess dine? In her own cabin: she was three or four days on board. You did not of course dine at the table with Bergami? Certainly not.

Captain Pechell, not being cross-examined withdrew.

#### SIXTH WITNESS.

THOMAS BRIGGS, Esq. *Examined by the ATTORNEY-GENERAL.*

Who are you, Sir? A. Captain in the Royal Navy. Where were you in 1815? With my ship, the *Leviathan*, at Genoa, in the

month of November. Had you orders at that time to embark with the Princess for Genoa? I had. Did she come on board your ship then? She did. Who accompanied her? The Countess of Oldi, Bergami, Hannam, and several servants. Did the Princess come down to the shore in her carriage? She did. Who accompanied her in the carriage? Bergami, the Countess of Oldi, a child, and another person. Did the Princess dine at your table? Always. Did Bergami dine there also? Yes. What dispositions of the cabins of your ship did you previously make for the accommodation of the Princess and her suite? The after apartments behind the cabin, I divided into two sleeping-rooms; one for the Princess, and the other for her ladies. The men I meant to put any where in the ward-room, in my own cabin, (reserving a part for myself) or wherever else we could place them conveniently. Did the Princess, on coming on board, alter that arrangement? She did; she had the divided apartment next her own, and which I intended for the ladies, set apart for Bergami. Was the door of the room appropriated to Bergami, near that of her Royal Highness? It was. Have you ever seen them walk together? Yes. How? Arm in arm: certainly at Messina. It was occasionally, when she went out. Do you know the situation of the bed-room on board the Leviathan? Yes. Did not those of the Princess and Countess Oldi occupy one part? Yes; they divided one end, and were closed together, having communication with each other.

ATTORNEY GENERAL.—Was there not more accommodation on board the Leviathan than on board the *Clorinde*? Yes.

LORD ELLENBOROUGH.—Was there a communication from the dining-room to Bergami's room? There was, but when in my cabin I must have heard had there been any thing, except when I was asleep. Did you pass through the dining-room if called up in the night? Yes, across an angle of it; the door of my cabin opened immediately into the dining-room. Must not the officers, if proceeding to witness's room during the night, pass through the dining-room? Not through it, but across an angle of it.

MARQUIS OF BUCKINGHAM.—Could not officers get to witness's cabin-door without going into the dining-room for that purpose? No.

Other Peers.—How was the Princess's room separated from that of Bergami? By a partition. Was there any light in the after cabin? I do not remember any being kept there. Who slept in the dining-room through which Her Majesty passed? Master Austin and some other person. Who commanded the alterations respecting the cabins? Her Royal Highness herself.

MR. DENMAN, (through the Lord Chancellor).—Was any complaint made by Captain Pechell about the luggage? Yes, he made some observations about having, on the former voyage, being a good deal lumbered by her Royal Highness's luggage.

## SEVENTH WITNESS.

PETRO PUCCHI, *Examined by the SOLICITOR-GENERAL.*

Where do you live? At the Grand Hotel at Trieste. In what capacity? Superintendent. Does he know an Inn called the Black Eagle? Yes. Who keeps it? Signior Bartolochi. What is the Inn called in which the witness lived? The Grand Hotel. Does the witness recollect the Princess of Wales arriving at that Hotel? He recollects it well. In what kind of a carriage did she arrive? In a small carriage and two post-horses. Who was with her? Bergami; They were without servants. How long is it since that affair happened? *Non mi ricordo*; it might be about four years since, perhaps more than four. How long did the Princess remain at the Hotel? Six days. When did her suite arrive? In about an hour afterwards in another carriage.

*Pietro Pucchi* went on to state, that there was a secret door in the bed-room of the Princess, that could not be known to be a door to any body in the dining-room. It was entirely covered with painted canvass, so as effectually to conceal it.

Did the witness at any time in the morning, during the period that her Royal Highness was at Trieste, see Bergami come out of any room into the dining-room? I have seen him come out from the room of the Princess. About what time in the morning? About eight, or half-past eight. How many times did you see that during the six days the Princess was at Trieste? Three or four times. Will the witness describe the manner in which Bergami was dressed, at the time he saw him coming out of the room of her Royal Highness? He had a surtout on, made according to the Polish fashion, which had some gold lace behind, and that came from the waist downwards. Besides that, what else had he on? He had the drawers. Had he any stockings? Sometimes stockings, and sometimes pantaloons, which are stockings and pantaloons together; but this I cannot precisely say, for I was looking out from the key-hole of my room. What had he on his feet? It appeared as if he had some strings. Whether, at this time, when he saw Bergami at this outer door, the door of the dining-room was yet open? It was still closed. Where did the witness remain himself in the morning before he went into the dining-room? In my own room, which was at the top, at the end of the dining-room. What was the witness doing at the door at that time? I was in my service to give them their breakfast when they asked for it. Did you go in before you were called? No. During the time the Princess was there did he ever see her walking with Bergami? They were always together. Was the witness present when her Royal Highness went away? I was. How did she go away? In the same way she arrived.—Did Bergami go away with her? Yes, in the same open carriage.

*Cross-examined by Mr. WILLIAMS.*

Are you still agent at the Grand Hotel at Trieste? *I am about to take the Inn at Trieste, but if I do not gain the cause (or the trial) I shall not be able to take it, and I must continue at the Grand Hotel.*

The witness proceeded to state, that he was head writer at the Grand Hotel, and knew all the rooms in the house. More than two years and a half before, the witness was examined at Milan, on the subject, by Vilmacarti, but he did not know whether Counsellor Cook was there. What he said was regularly taken down in writing.

In the re-examination by the Solicitor-General, nothing material came out in addition to what the witness had before stated.

The witness then withdrew.

#### EIGHTH WITNESS.

**BARBARA KRANTZ, a Lutheran, Examined by the SOLICITOR-GENERAL.**

To various questions put to her, she replied, that the Princess occupied the room No. 10; No. 11 was a dining-room, and No. 12 was a bed-room, in which Bergami slept. There was a door leading from No. 10 to No. 11, and from No. 11 to No. 12. There was a drawer-bed in No. 12. It was put there when the courier arrived to state that the Queen was to come; there was a smaller bed in that room before. Do you remember on any evening, when the Princess was there, carrying water to No. 12? I do. About what time? Between 7 and 8 o'clock in the evening. On carrying the water to No. 12, who did you find in the room? The Princess and Bergami; Bergami was in bed and the Princess sitting on the bed. Was Bergami undressed? I could not discover whether he was, undressed or not; his arms were white I perceived. Where did you see his arm? When I entered Bergami had his arms round the Princess, and the Princess's arm round him, and on entering she let her's fall. What did the Princess do on seeing you? She jumped up and was frightened.

Here the question was repeated, and the answer given by the German Interpreter was, "she had jumped up."

A discussion now arose among their Lordships with respect to the interpretation of the German word, whether it was to be considered that the Princess jumped up in the presence, or not in the presence of the witness.

The Bishop of LANDAFF said, that the interpretation given by the interpreter was not which he should have affixed to the word.

Mr. BROUGHAM expressed his regret, that this circumstance had happened. It was true, that only one interpreter was present, and that he was not prepared for the German Interpreter as well as the other side. After some further conversation, it was agreed, that in consequence of the absence of the Queen's German Interpreter, that their Lordships should adjourn until to-morrow.

#### NINTH DAY—AUGUST 26.

*Examination of BARBARA KRANTZ resumed.*

What did the Princess do on your entering the room? The Princess had jumped up, and I was much frightened. What did

the Princess do when she saw you enter? She had then jumped up. The Princess got up when you entered? Yes, and I had retired. I understand that you saw the Princess sitting on Bergami's bed. Describe what happened afterwards? *Interpreter.*—She asks if you mean during that same evening? Yes; at that very time, I saw the Princess on the bed, and I withdrew. Before you withdrew, what did the Princess do; did she continue to sit on the bed, or what happened? She saw the Princess jump up. She then withdrew, for she was frightened. Did you make up the bed in No. 12, Bergami's room? Yes. Did you at any time, when making the bed, discover any thing on the bed? On the bed. On, or in the bed? In the bed I have found a cloak. Did the cloak appear to belong to a female? Probably: because, behind it had a kind of capot or hood. What did you do with it afterwards? As I took it out, I placed it asunder; I unfolded it. What time of the day was it when you found the cloak? It was in the morning when I made the bed. Describe the cloak a little more particularly? It was of silk; the colour grey. Did you afterwards see any one wearing that cloak? The servant had taken it out of my hand. Did you see any body wear that cloak afterwards? I saw a cloak on the Princess the next day; but I cannot swear that it was the same. Was it a cloak of a similar description to that which she had found in the bed? Yes, it was of the same colour. You say it was of the same colour; do you know whether it was of the same substance—was it silk? It was silk. Had the cloak which the Princess wore a capot or hood, like that found in the bed? Yes; it had such a hood.

(The examination here became such as we cannot give. It related to the appearance of the bed in which her Royal Highness had slept. The witness was much affected at being compelled to give this sort of evidence. The *Interpreter* announced to the House that she was crying, and appeared about to faint. Some of their Lordships desired that she might be supplied with a glass of water, while others called for a chair, that she might sit down till she had recovered herself.)

When the witness had somewhat recovered, the examination in chief was continued, and a few more questions was put to her.

Mr. BROUGHAM said, he would reserve the bulk of his cross-examination till after the opening of his own case.

The Lord CHANCELLOR asked on what account?

Mr. BROUGHAM said, he understood that his Lordship had insinuated, that it was irregular to call back a witness, when Majocchi was recalled.

The Lord CHANCELLOR ordered the cross-examination to be proceeded with, subject to any future observation which the Learned Counsel may have to offer.

*Cross-examined by Mr. BROUGHAM*

Witness said in her answer, that she was married about three years—that she had previously been in another Inn, near Carlsruh, before she was chambermaid at that place. She also lived with her father before she went to this inn, and had also been in the service of several families.—She came over here three weeks ago with a courier; she had her brother Fred. Keundeck with her—he was about twenty-eight years of age: she did not know who paid her expenses over, but the courier paid on the way. The minister at Carlsruh also paid. When she was there, she saw no other minister to speak with on the subject of coming over here, except Mons. Galatin. He was at Court, but she did not know what office he held. She believed he had something to do with the posts at Wirtemberg.

In her further examination she said she was spoken to by Mons. Pradon, who lived at Carlsruh, and who was said to be attached to the minister of Hanover. He did not live at the inn where she was. She never left Carlsruh before, to go any where else upon this business, but once. She never saw Colonel Browne, nor Colonel Durin; she knew not the name of the gentleman who spoke to her, but it was at Hanover, on leaving the post inn. Mons. Durin spoke to her. They asked her about this business. She got about 16 or 18 ducats to pay part of her expenses. At the inn she had only 12 florins a year, wages, but then there were other perquisites. She received nothing since she got the 16 or 18 ducats, except a little to go to Frankfort, which was about 12 or 14 ducats. She got nothing since. Then he told her that she should go to London. She said she would not until she was forced. He said she had better go, for it would come to that, and she would be obliged to go. She said she would let it come to that. He gave her a ducat for calling upon him, because she was otherwise occupied. He only gave her a ducat the second time she called.

Lord LAUDERDALE begged leave to say, that this was clearly a departure from the understanding that existed, for it was inquiring into something upon which the witness might be again cross-examined.

The Lord CHANCELLOR was certainly of opinion, that this was a question beyond what was originally intended the Counsel against the Bill should confine themselves to. If the witness was to be now cross-examined upon all those particulars, and then, after they had been inquired into, she was to be cross-examined as to them again, it seemed to him, that the House would be suffering the most improper course in the world to be taken.

It appeared to be the sense of the House that Mr. Brougham had exceeded his original proposition.

The Lord CHANCELLOR so stated to Mr. Brougham.

Lord LIVERPOOL observed, that the learned Counsel might take his cross-examination now, if he thought fit.

Mr. BROUGHAM preferred interrogating only as to such particulars as would enable him to make future inquiries.

Mr. BROUGHAM now put the question, "Where do you come from now?"

After a slight discussion, the Lord Chancellor informed Mr. Brougham, it was the opinion of the House, this question did not come within the rule.

Mr. BROUGHAM.—Then, my Lord, I will ask the witness where does she now live? At Carlsruhe.

Where does she live at present?

The ATTORNEY-GENERAL objected to this question, because a question similar in substance had been this moment overruled by the House.

Lord GRENVILLE urged, that before they proceeded further in the business, they should pause and consider one of the most important questions that the case involved, which was, whether the cross-examination should be proceeded in by the Queen's Counsel, or whether they should have the power of postponing it to an indefinite period. It was imperative that they should lay down a distinct and intelligible rule, in order that they might feel confident they were treading in a right and just course, otherwise they would be involved every day and every hour in similar difficulties. He therefore proposed an adjournment to deliberate maturely as to what rule they would follow in future.

Lord ERSKINE contended, that the difficulties in which the House now found itself, originated in their having refused a list of witnesses, and a specification of times and places. He had warned their Lordships that such would be the consequence.

Lord LIVERPOOL denied that the House was in such difficulties as had been stated. However, he was not averse to the consideration of any mode that might tend to obviate them.

Lords GRENVILLE and ELLENBOROUGH conceived that the Counsel on each side should be called upon to state their respective claims; on the one side, for the putting off the question, and on the other in support of the objection, in which the House concurred, and the Lord Chancellor instructed the Counsel to that effect.

Mr. BROUGHAM commenced an enumeration of the difficulties, which would necessitate him to ask some delay, when

Lord LIVERPOOL rose and observed, that if the Learned Gentleman required delay, it would be better to conclude upon that request.

Mr. BROUGHAM said, he certainly felt that some delay was necessary, to enable him to consult the Counsel acting with him.

The Lords immediately separated.—Adjourned to Monday.

## TENTH DAY.—AUGUST, 28.

### CROSS-EXAMINATION OF WITNESSES.

Lord LAUDERDALE rose and said, that he felt extremely happy the delay that had occurred from Saturday had taken place, because he was convinced many of their Lordships would agree with him, that had they adopted that line of conduct on Saturday which they were about to adopt, they would have pursued a course unprecedented.



ed in this House, and unjustifiable in Parliament. To suffer Counsel at their Lordships' Bar, to suggest and dictate the mode of proceeding the House should adopt, would be surrendering every ceremony due to the judgment of the House, and if their Lordships were in doubt or difficulty, the Learned Judges who attended them were the proper persons to ask what course to pursue.

LORD MANNERS concurred most perfectly with the Noble Lord who spoke last. The proposition he had suggested met his views of propriety and safety on the present occasion, and as the cause of the discussion had been a complaint that a list of witnesses had been refused, he would take this occasion to declare, that he, for one, was of opinion, the granting such a list of witnesses would be a measure highly improper.

LORD ERSKINE said, he certainly wished as far as possible to conduct these proceedings in a manner similar to those of a Court of Justice, but he would not have the Counsel for the Queen constrained to cross-examine no further, then they were enabled to do in the first instance, when in fact they had not the means to cross-examine. The House had agreed, that after the case had been gone through in support of the Bill, reasonable time should be allowed to the Counsel for the Queen, to prepare their case; and would any one say, that after such an understanding, the Counsel for the Queen were to be prohibited from cross-examining the witnesses when, and when alone, they had the means of doing so; he contended forcibly that after what the House had done, they could not so restrict the Counsel for the Queen, as it would be a course inconsistent with humanity and justice.

The Earl of LIVERPOOL defended the course taken by their Lordships in refusing a list of witnesses, a favour never granted but in cases of high treason. The course he proposed was, that the usual forms of examination should be observed, first direct examination, then cross-examination, then re-examination, and lastly, examination by their Lordships; of course, it still being open on special cause to the Counsel for her Majesty to go into further examination upon such points as they felt any difficulty about, owing to the refusal of a list of witnesses—(*Hear, hear.*)

The Marquis of LANDSDOWN disclaimed any wish to suffer Counsel to dictate to their Lordships in this or any other case; but he still thought that where a grave point of discussion arose, the Counsel on both sides ought to be heard for the information of their Lordships, for how else could they satisfy their minds that the arguments of Counsel may not alter their Lordships opinion upon the point at issue.

The Earl of LAUDERDALE shewed that if he had not thus early brought the consideration of this question forward, on being called in, the Attorney-General would have made a speech (as he must have understood that he was to do so,) in order to point out the course which their Lordships ought to take during their future proceedings.

The LORD CHANCELLOR having considered and re-considered this subject, would feel it his duty to give the same votes on the questi-

ons which had been disposed of relative to the mode of proceeding with the inquiry he had given heretofore. He was convinced that furnishing her Majesty with a list of the witnesses that were to be called would not remove a fortieth part of the difficulties with which they had to contend. He congratulated himself and the House, that they had not come to a final determination on the question which had been raised on Saturday. A more fatal precedent could not be established than would have been formed, had that course been taken which the House generally seemed on Saturday to think proper.— He described the course which had been taken in the examination of a former witness, observing, by the way, that it was a mistake to suppose that leading questions could not be put by their Lordships. At the conclusion of the cross-examination of Paturzo, re-read from the minutes—

“ Mr. Bougham stated, that not being aware of the attendance of this witness, he trusted their Lordships would not feel him precluded from putting questions to him as well as to the former witness at a future time, in case of receiving information which might render it material to do so.

“ The Counsel were informed, that the House would judge of the application when it was made, with the circumstances occasioning it.”

This application he held to be perfectly correct on the part of the Learned Counsel. A distinct application had been made to the House to allow Theodore Majocchi to be recalled, in consequence of information which the Learned Gentleman had received, and which he regarded as being “ of very considerable moment.” He had pledged himself to put only one or two questions, but on this he laid no stress, as putting one question might make it absolutely necessary to put another. The witness, however, was brought back on the ground which he had stated.

Earl GREY rejoiced that the adjournment had taken place on Saturday, as even now, after the time which had been gained for consideration, [none of the Noble Lords who had spoken, had stated that which to his mind suggested a solution of the difficulty. He regretted that a course should have been taken which placed them in a situation of such embarrassment, and called upon their Lordships to consider whether, even now, it would not be prudent to retrace their steps, and take a course more consonant to the practice of other times, and to the principles of the Constitution.

Lord LIVERPOOL thought the Counsel ought to be heard.

Lord ERSKINE moved that the Counsel be called in.

Lord GRENVILLE being one of those who attended the House in obedience to their Lordships' command, and who had not attended on the former proceedings, thought it would be highly improper for him to enter into any thing which had been formerly done. He would however say on the present occasion, that if, after the cross-examination of any witness had been concluded, the Counsel for the Queen suggested that any new fact could be procured from a witness, the House would unanimously, and from a sense of Justice, accede

to a request that fresh questions might be put to that witness. He deprecated what had been done on Saturday, because it either authorised the Counsel to break the rule which the House had just made, or precluded them from asking a question which they had a just right to ask. It seemed to him that the House had nothing now to do but to refer to the regular course, which he thought was, to direct the Counsel for the Queen to proceed with their cross-examination, leaving it open to that application which would be acceded to, in an ordinary case, when fresh facts had come to their knowledge.

Lord LIVERPOOL begged to say, before the Counsel were called in, that he intended when the list of witnesses was refused, to give the Queen an equivalent by allowing an adjournment for her to prepare her case. but he thought it ought to be clearly understood, that no understanding had existed on his part, that the object of the present application, namely, an adjourned cross-examination, should be allowed, and said that the Counsel for the Queen should be directed to proceed; as far as they could, with their cross-examination; with liberty, at a future period, to call those witnesses back as to any new facts, subject to the practice of the Courts of Law.

Mr. BROUGHAM then addressed the House. He proceeded to cite the case of the Duchess of Norfolk, in 1691, where time had been granted to enquire into the character of the witnesses. The testimony of the witnesses there had been much stronger than in the present case, detailing scenes of the most horrible indelicacy against the Duchess. Every thing there was proved by ocular demonstration; yet in consequence of the cross-examinations, the whole proceedings were destroyed. He commented in very strong terms on the conduct of the House, in not fulfilling a distinct promise held out to the Counsel for the Queen. This was the most monstrous and crying injustice, as a positive engagement had been made, that the Counsel should be allowed to examine the witnesses at a future period. It was a mere mockery to attempt to defend their proceedings by the analogy of Courts of Law, only adhering to them whenever they tended to favour the Queen.—He also commented on the injustice of suffering these proceedings to go forth to the public. In a paper of Saturday, it was stated, that when the witness had come to the marks of adultery on the bed, her Majesty's Counsel had resigned the case. This was a gross and deliberate falsehood, and a foul and malignant invention. It had been said, that the time to be granted after the closing of the case for the prosecution, would be adequate to the grant of time now, but he argued that this supposition was an absolute nullity. In proceeding to common law, there was no one instance where the defendant did not know the nature of the charges, and in a great degree with the knowledge of the witnesses. Did they suppose that there was such knowledge in the Queen's Counsel, as to proceed *instantly* to a cross-examination, and to drag from a reluctant witness the condemnation of his own testimony. He put a very strong case. Suppose he had received information that a witness had been bribed and could not be examined to that effect, unless in the previous cross-examination he had directed some ques-

tions to that point, and that he had not been allowed to establish the fact of bribery; even if he possessed them, the benefit of the cross-examinations would be annulled in such a case. The consequence of a determination to the contrary would be, that the Queen's Counsel could only sit by, and grace the solemnity of the proceedings with their corporal presence. He then went on to explain his motive and conduct in recalling Majocchi, admitting that it was an irregular proceeding. He concluded by intreating their Lordships to concede what was required of the Counsel of the Queen.

Mr. DENMAN followed on the same side, deploring that their Lordships, with the name of Justice in their lips, were proceeding to strip the accused of every means of defence. He intreated them to pause before they came to a decision so contrary to all principles of Justice.—He then referred to analogies in cases of treason, and to the grant of a list of witnesses, contending generally, that the right of cross-examination at all periods, should any subsequent information be obtained, to effect the testimony of the witness. Even in common law proceedings, after the Judge had summed up, and the Jury retired, the privilege was allowed. He had obtained intelligence from the Continent, respecting the character of the witnesses, and he could not act upon it, without further inquiry, and that was all the Counsel for the Queen demanded. He contended, that particularly her Majesty's Counsel ought to have had the means of ascertaining, that the witnesses who gave evidence now before the House, were the same persons as those who had sworn to the facts detailed before the Secret Committee. If every possible means of cross-examination were not allowed to the Queen, it would be better that those who were defending their case should give up the defence altogether; but not withdrawing that solemn protest which they had entered into of her Majesty's innocence. In refusing the right which the Counsel for the Queen demanded, their Lordships gave a sanction to a proceeding of cruelty and injustice. He concluded by a powerful appeal to their Lordships, declaring, that if the list of witnesses were refused, and the allowance already given were disregarded, her Majesty would meet with avowed and inevitable destruction.

The ATTORNEY-GENERAL then proceeded to argue the point on the other side, and commenced by observing, that by the arguments of the Gentleman on the other side, any one would imagine that he and his learned Colleague, had been contending for the adoption of some measure entirely new to the Law of England, to the practice of the Courts below, and to that of their Lordships' House. It had been a matter of complaint by the other side, that in this case, time and place was not specified. It was true, indeed, that formerly there were notice upon an indictment, but the prosecutor was allowed to prove any other time or place. It was therefore merely a formal course of proceeding. With respect to the list of witnesses, it was a demand, he contended, completely at variance with all precedent. His Learned Friend had cited the case of the Duchess of Norfolk. He denied the fact that a list of witnesses had there been

granted.—That was a case their Lordships would recollect, that a list of such a nature was peculiarly required, for instead of confining the detail to a few months, it was spread over the space of six years. It did not appear that such a list was ever granted. — He then, alluded to the act of treason, where a list of witnesses was given, and cited the opinion of Judge Forster. The Learned Judge had considered, and he had long reflected upon the matter, that the grant of such a list was an injudicial act, and was likely to do much more mischief to the party accused than to the accusers. Their Lordships would also perceive that another difficulty would arise if this list were allowed. A list of witnesses must be furnished, consisting of the name of every person who might, by any possibility, be connected, however distinctly with the transaction in question. A prodigious list must be made out of perhaps a hundred witnesses, more than ten of whom might not be called to prove the case on the part of the prosecution. This would evidently have the effect of involving the other side in interminable confusion. After some further observations he finished by remarking, that their Lordships, in conceding to the point relative to the evidence of Majocchi, had done every thing which propriety and justice required.

The SOLICITOR-GENERAL after complaining of certain mis-statements made by Mr. Brougham, he proceeded to argue upon the unreasonableness of the claim made by the Counsel for the Queen. He insisted that with regard to the witness of Saturday, as the Queen was present during the whole of the transaction to which her testimony referred, her Counsel might be fully instructed as to the truth or falsehood of the statement, and thus furnished, were fully competent to cross-examine. Instead, however, of doing so fairly, Mr. Brougham had dealt only in dark hints, and insinuations of what he would be able to establish, were an opportunity afforded.—If the cross-examination were postponed, none of the admirable and pertinent questions put by their Lordships could be answered, although they were always of the utmost importance to the elucidation of the truth. The witness himself might be placed in a situation of great disadvantage, for he would be unable to remove any doubts arising out of his evidence, and raised in the course of the cross-examination, until so long an interval had elapsed that the means of dispelling those doubts were forgotten. The Counsel supporting the Bill, if the postponement were allowed, would not be able to shape their case in any way to meet the defence that might be offered. Cross-examination was one of the most valuable and important engines in eliciting truth, not merely in confuting but in confirming a witness, and if delay took place, at least this benefit would be lost.—In the same way, and for the same reason, if the Queen's Counsel were allowed to postpone the cross-examination of the accusing witnesses, the Counsel supporting the Bill would have a right to defer the cross-examination of the Queen's witnesses until an opportunity for enquiry had been afforded, and thus the enquiry would be rendered almost interminable. After pressing this point still further, he contended that even the cause of the Queen herself would be injured

by the mode of proceeding recommended by her legal advisers; and he concluded by recapitulating the points he had endeavoured to establish, adverting, however, to the concession that had been made to the Queen of recalling a witness on the statement of sufficient grounds. To adopt any other course would perhaps frustrate the investigation altogether.

Mr. BROUGHAM replied, and ridiculed in the first place, the satisfaction which had been displayed by his Learned Friends, and particularly by the Solicitor-General. The latter had thought fit to compliment their Lordships on being able to put questions to a witness—(*order, order.*)—He was repeating only the speech of his Learned Friend, who had not been interrupted in making it, probably because it was a tribute from the King's Solicitor-General, which was, no doubt, of high value, and which had been received in the proper quarter with becoming gratitude. The Solicitor-General was, no doubt, a great Lawyer; in the opinion of some of his friends, (who, perhaps, enjoyed that opinion, like his knowledge of the law, by monopoly, and exclusively,) he was the only accomplished Lawyer in the profession. In fact, all the law—all the wisdom—all the talent, all the accomplishment, was engrossed by the King's advocates, while the Queen's Counsel had only one or two books to which they resorted, and upon which they relied. One of these books was the authentic folio edition of the Journals of the House, while the other side, by some fatality, had only been able to refer to Cobbett's State Trials. Mr. Brougham then entered into an examination of the case of the Duchess of Norfolk, establishing, as he proceeded, from the Resolutions of the House, at that date, that not only a list of witnesses, and a specification of the charges had been granted to the Duchess, but that her Proctor was allowed to obtain from the witnesses of the prosecution, all the necessary particulars of their previous life, for the purpose of more effectual cross-examination. He also proved by a reference, that although the charges against the Duchess of Norfolk extended over a period of five or six years, the dates and places were distinctly given to her. After thus setting the other side right in point of fact, he went on to argue the question in point of law. After enforcing his arguments by a reference to proceedings at common law, he adverted with much warmth to the advantages already enjoyed by the prosecutors, who, notwithstanding, insisted, that for the sake of establishing a rule for the future consideration, should not be had for the accused in the present case. The maxim of law was, that it was better that ten guilty should escape than that one innocent should suffer; but they reversed it, and required that the innocent should be convicted rather than the guilty escape. He terminated his reply by calling the attention of the House to the sums employed, and the force used to obtain evidence against the Queen, while she had no such means of paying witnesses, nor would foreign powers compel them to appear in her favour: on the contrary, as they said to the King's witnesses, "stay at your peril," they would say to the Queen's witnesses, "go at your peril."

The Earl of LIVERPOOL, in moving the adjournment at five o'clock took the opportunity of noticing what had last fallen from Mr. Brougham. He begged to state, that unlimited funds had been given to her Majesty, both to collect and bring over witnesses; for in this respect, one party ought to have no advantage over the other. In the same way he was authorised to state, on the part of the Foreign Government particularly referred to, that whatever compulsion had been used to witnesses, in support of the Bill, would be exerted towards witnesses in favor of his Majesty.

Lord ERSKINE took occasion to warn the House how it allowed difficulties to thicken so as to compel it, day after day, to abandon its previous determinations. Of course, it would be better to divide to-morrow. He thought it better that the house should at once resolve to adjourn for such a period as should reasonably be demanded by the Queen, and to grant a list of witnesses yet remaining, and a specification of times and places.—Adjourned at 5 o'clock.

ELEVENTH DAY—AUGUST 29.

The order of yesterday, put by the Lord Chancellor to the House for their consideration, was now read on the motion of Lord Liverpool.

Lord LIVERPOOL then rose. He stated, that when he proposed the motion yesterday, which had been just read, he did not by any means consider that he should be bound to adhere to it, after the Queen's Counsel had been heard. Upon the best consideration that he had been enabled to give the subject, he was still of opinion that the course he then pointed out would be most advantageous to the substantial ends of justice, and if he might be allowed to form an opinion, he certainly thought it most for the advantage of the Queen. He thought it better to permit the Counsel for the Queen to call back the witnesses, and was convinced, that very little difference substantially existed, between the two courses. His Lordship concluded by moving, that the Counsel for the Queen be informed, that under all the peculiar circumstances of the case, the House was of opinion they ought to proceed and cross-examine the witnesses, in the way they had proposed.

Lord LAUDERDALE observed, that the motion came now in a less questionable shape than before; still, however, he was at a loss to conceive how it was that a motion made by the first Lord of the Treasury, was altogether abrogated by the amendment proposed by the Lord President of the Council.

Lord LIVERPOOL again said, that when he put the original motion, he never intended that it should be binding on the House, or on himself, if, after Counsel had been heard, they laid sufficient ground for him to change his opinion.

Lord REDENSDALE objected to the original amendment altogether, because he conceived it to be a course totally inconsistent with justice, and calculated to prevent the arrival of their Lordships at truth.

These mischiefs were not the only objections to the proposed amendment, for endless confusion would be the result. He thought it would be highly dangerous to put on the Journals of the House, any innovation of the general rules founded on special circumstances.

Cries of "*Question! Question!*" now proceeded from all parts of the House.

The original amendment was now put as follows:

"That the Counsel be called in and informed, that under the special circumstances of the case, the House would consent to the Counsel for the Queen proceeding in their cross-examination of the witnesses in the manner they proposed."

On this amendment the House divided.

Contents, 121 | Non-contents, 106.

Lord DARLINGTON begged to move, before the Counsel were called in, that the Queen's Counsel might be furnished every evening with the witnesses intended to be called the next day, together with a communication as to their religious persuasions.

Lord LIVERPOOL thought this might be intimated privately.

At a quarter after two o'clock the Counsel were called in, and the resolution of the House was communicated to them.

*Cross-examination of BARBARA KRANTZ, resumed by Mr. BROUGHAM.*

The first question was directed to ascertain the connexion of the witness in her country. She stated, that she lived at present in a private house, but she could not tell in what street, nor how far it was from the House of Lords. Her brother lived in the same house, but he had not given her any money, nor had he promised her any, as he had none but what he brought from home. He was a potter. Her father was dead, but she had a father-in-law who was a master weaver. Nobody had given her any money before she came here but the gentleman in Carlsrhue who had given her the ducats. No one had promised to give her money after she should come back from England.—She would swear positively that nobody had promised her any money excepting her expenses, compensation, or reimbursement for the time she had lost. She did not know the amount, but the minister had promised it to her. She was to be compensated for the loss of her situation. Baran Burgstadt, was the Minister who said, that if she did not go willingly she should be compelled. She did not know if Baron Burgstadt was Minister of the Grand Duchy of Baden, or what Minister or Ambassador he was. They called on the witness—they sent for her—she did not know that Baron Von Regen had come to the Inn to look at the rooms occupied by the Princess. She had seen nobody come to the rooms but Baron Von Grimm who came to the room and walked about it. She could not say how long he had previously lived in the Inn—he had occupied Nos. 12 and 13 before the Princess came, but afterwards Nos. 13 and 14—he gave up No. 12, for the accommodation of the Princess—when the Princess was gone, he went into No. 12, ran about it, and afterwards took away the key of the room.

Was any one with him, when he took this inspection? Two other



Gentlemen, but I do not know if one of them was an Englishman. What was Grimm? He was Minister from Wirtumburg—she had seen the Princess very little—she had too much to do, to pay attention to her—she did not wait upon the Princess at breakfast, but she had seen her once at breakfast—once the witness came in to clean the room, and there saw her. Was it after that you saw her with Bergami? Yes, afterwards in the evening—after I had been called in the morning to clean up the slop. Where did the Princess dine that day, when you saw her with Bergami? I do not know—I did not see them dine in the Inn during the whole time they were in the House—I could not know if the Princess and Bergami dined at Court or not—I saw them twice go out in a carriage, and saw the Grand Duke, and other Gentlemen often come to the Inn to wait on the Princess—they probably came to pay their respects, or their court—they only came once that I saw. Who gave you the order to carry the water to the room, when you saw the Princess and Bergami? It was my business always, every evening. When you saw the bed one morning as you state, was it when you was making it? Yes, I had nothing else to do with the beds. Was there any body else in the room when you made the bed? Nobody but a servant in a grey coat, who came into the room to assist me in turning the mattress. Who was this? I do not know: there were two of them but I do not know to whom they belonged. I never saw them before only at the time when the Princess was there. Have you ever seen them since? No, not since she left. I do not know that I ever saw them before while I was making the bed. I made the bed in No. 12, every morning.

The witness was then asked relative to the time she remained at the Inn, and as to who had called upon her when she was there.—Baron Grimm had twice seen her. The first time he remained a short time and the second a very few minutes. Was the name of the Gentleman you saw Mandeville, or *Man devil* or any name of that sort?—(a laugh)—I do not know. The witness further stated, that the money which was obtained from the individuals who slept at the Inn went into a common purse, and was divided among the waiters. The produce was 18, 20, or 30 florins. Do you know a place called the Glass-house near the gates of Carlsruhe, used as a pleasure garden? Yes. Have you ever gone there with any one but your husband, or have you gone there by yourself? I never went there but in company with my husband, or my brothers and sisters. I never was there at night. The witness was then examined to the point as to whether, when she had seen the Princess in Bergami's room, she had not gone immediately to the room of the Countess of Oldi, to see whether she was in her apartment. The question was put several times, and the answer was, that she had gone to the room to carry in water, but could not say whether she had gone there to see whether the Countess was in her room. Did you ever tell any individuals that you had gone to the Countess of Oldi's room, to see whether she was there? I do not recollect whether I have spoken to any one on the subject or not. She frequently added, that she

had mentioned the matter to two gentlemen who had waited on her at the inn. Will you swear that you have never, since you came to this country, had any conversation with any body about going to the Countess Oldi's room for that purpose? I have had no conversation with any body. A gentleman saw me at Hanover and at Frankfort, and I told him about it. Will you swear that you have had no conversation with any gentleman in this country on the subject? Two gentlemen called upon me, but I do not know who they were. Do you know Major Jones? No, one of the gentlemen who called, I do not know whether he was a foreigner or not, spoke German.—Have you resided in any other House since you came to this country, than that in which you now live? No. I have not.

Here the Cross-examination terminated, and the witness underwent an examination by the Peers.

The Earl of MANSFIELD.—I wish to know whether you could judge, from the state of the bed, if two persons or one had lain in it? No. The cushions or pillows, lay one on the top of the other. This I can recollect.

The Earl of LIMERICK.—In a former part of your testimony you used the word “*si*,” (they) as applying to the bed. The same question was put several times, but no clearer answer could be obtained.

Lord HOOD.—Had you any conversation with any person respecting your observations on the Princess and Bergami, as to what you saw when you perceived Bergami in bed and the Princess jump up? No, I never made any observation to any body. The witness has stated that she was frightened when the Princess jumped up from Bergami's bed—(*cries of no, no,*).

Lord HOOD persisted in this question, and asserted that the witness had said so. He put the question again. You have said that the Princess jumped up and that you were frightened, I want to know whether you, in the embarrassment of the moment, communicated with any one respecting that event? I spoke to nobody about it, but to Baron Grimm, who asked me about it. How could Baron Grimm know any thing about the matter unless you communicated something to him first—(*cries of no, no, from the House*)—No answer was given. How long after the Princess left the Inn was it that these questions were put to you? As soon as she went away; then I made the room ready, and Baron Grimm came to the Inn, and asked me respecting what I have already told you. Asked you what?—He asked me in the room about it, and then I was unwilling to give an answer, but he asked me again and I told him. Here a complaint was made by a Peer, of the imperfect knowledge of the Interpreter. Shortly after the examination was resumed.

Lord LAUDERDALE.—Was it not in the course of your duty to carry water to No. 12? Yes. Did you after seeing the Princess jump up continue to carry water as usual to that room? No, the next night the door was shut, and I placed the water near the door. Did the witness after that night find the door open or shut? Shut. I wish to know whether it was generally shut? Yes, many times, it was shut many times and many times it was open. Do you mean

to say, when you state that the door was shut, that it was locked or merely closed? I attempted several times to go in, but it was locked and I could not get in.

The Examination by the Peers was here concluded, and Mr. Brougham begged leave to put a few questions to the witness. This was done through the Lord Chancellor.

In your answer to the question just put, did you mean to say, "two times," or "several times?"

This question was objected to by the Peers, and Mr. Brougham said, that he was sure their Lordships did not mean to misconstrue any thing that might fall from the witness.—(*Cries of "No, no."*)—

The question was repeated, and the witness answered, that she did not take notice so exactly as to know whether the door was shut two times or several times.

#### NINTH WITNESS.

GIUSEPPI BIANCHI, *Examined by Mr. PARKS.*

The witness stated, that he was an Italian Swiss, of the Department of Vicino, and resided at Venice. He was guard or door-keeper at the hotel of Grand Bretagne, and had been fourteen years in that employment.

Do you recollect at any time seeing the Princess of Wales at Venice? Twice. What was the first time you saw her—in what year? About five years ago. Was she at the inn of Grand Bretagne? She was there three days, and then she went into a house. She was attended by two chambermaids, three couriers, and others. The couriers were, one from Brunswick, Bartholomo Bergami, and Theodore Majocchi. When the Princess was at the other House, had you occasion to go there? Every day; I had always something to carry. Do you recollect a jeweller coming to the house one day? A. Yes. Did the Princess purchase any thing from him? A Venetian chain of gold called a Manina. Was this after or before dinner? The jeweller came when all the company were getting up from dinner. Was Bergami in the room at that time? He was always behind the chair of the Princess, to change her plate, in the dress of a courier. Did you see the Princess and Bergami together, after the company had left the room? I did. What passed when you saw them together? After having got up, she took the chain from her own neck, and put it round the neck of the Courier—the Courier afterwards took it off from his own neck, and put it round hers, and then he took her by the hand and accompanied her to the saloon where they were drinking coffee. Did they go out of the room together? Yes, but Bergami afterwards came back. After the chain had been put a second time on the Princess's neck, did they go immediately or stay a little longer in the room? They went immediately away.

The witness went on to state, that he had seen Bergami a second time at Venice, with the Princess when she came from Trieste; he was then ornamented with orders and jewels, and was always called Baron Bergami.

When you saw Bergami and the Princess the first time at Venice, in what manner did they conduct themselves? He took her by the hand and squeezed it, then led her to the door, and she went in, and he went away. The second time the Princess came to Venice, did you see them on the Canals? They went out on them twice every day. Were they alone in the boat? There was always somebody with them, except twice, when they went alone. When they went out they were always arm in arm, and he gave her his hand to step into the Gondola. Did you ever give your arm to the Princess as well as Bergami? Never by the arm; but I took her by the hand to assist her into the Gondola.

*Cross-examined by Mr. DENMAN.*

Did you see what was done with the gold chain through the key-hole?—I was in the room where they dined. Then I suppose they saw you very plainly standing by? I was there. Have you been at Milan to be examined as to these facts? Yes, I went from Venice to Milan. What money or compensation had you for going there? I received nothing but my expences of the journey. A commissary went with me, and he paid. What are you to receive for coming here?—What bargain have you made? None. They told me I was to come to London to tell the truth, and this I have done; I expect nothing. Whom did you see that desired you to come here? Colonel Brown, at Milan. Did you see the Advocate Velmarcati? The first time, not the second. I said nothing about compensation. I was fetched by Andorozi, a Commissary.

The questions next put related to the situation of the witness in this country.

He lived at present, he said, in a house, with 20 or 25 more witnesses, among whom was Theodore Majocchi with whom he had conversed on the subject of this proceeding.

The name of the Jeweller who sold the chain to the Princess was Fana—he and all the company had left the room, and the door was shut when the Princess had put the chain upon Bergami—the witness remained behind to clear the table after dinner—Col. Brown had sent the Commissary to Venice for him, and that Commissary told the witness that if he did not go willingly, he should be made by force. What power had Andorozi to send any body to England? He had no authority, but he told me if I came willingly it would be better. What do you mean by better? I mean that it is better to come than to be accompanied by force. Did you see the Ambassador at Venice? None but the English Consul, Mr. Hopner. Did Mr. Hopner desire you to come? I never spoke of this business to him.

*Re-Examination*—Did you see Majocchi at any time between when you saw him at Venice and again in England?

Mr. DENMAN objected to this question.

When had you the conversation you spoke of with Majocchi?—What conversation.

When you reminded him of having met him at Venice.—It was walking down below.

The examination of the witness here closed, and the House adjourned to five o'clock

The Queen left her private room at the House of Lords about half an hour before their Lordships separated.

## TWELFTH DAY—AUGUST 30.

## TENTH WITNESS.

PAULO RAGAZZONI *examined by the SOLICITOR-GENERAL.*

Is the witness a native of Italy? I am. In what part of Italy does the witness reside? In Renetto. Is that in the territory of Varese? Yes. What business is he of? A mason. Were you ever employed to do work as a mason at the Ville d'Este? I was. Had he any persons employed in the same way under him, or was he there as a mere workman? was a master mason. How many men had he under him? 20, 25, 30, 8, 12. Were the Princess and Bergami residing at the Ville D'Este at the time? No, when I went to the Villa D'Este, they were at the Villa Villani. Did they afterwards come to the Ville D'Este while witness was working there? They did. Did witness ever see the Princess and Bergami on the lake at the Ville D'Este? I have seen them there. Was there a canoe on the lake? Yes. Did witness ever see the Princess and Bergami in the canoe? Yes, more than once or twice. Did witness ever see them in the garden of the Ville D'Este? Yes.—Alone? Alone. Once or several times? More than once; but once I saw the Princess sitting in a chair which had wheels, and Bergami behind pushing it. After he had seen the Princess on the chair in the manner described, did he see any one else in the chair? I have not, I only saw them alone. Did he see Bergami sit in the chair? Yes, and then the Princess was behind pushing it. Do I understand him, that they were at that time alone? Verona came and brought the chair, and then they were alone. Has he at different times seen the Princess and Bergami walking together? Yes, more than once. In what manner were they walking; separate or together? Arm in arm. Has he seen them walking so more than once? More than three times. Does he remember being at work in a grotto at the Ville D'Este? Yes. What work was he doing? I was making a cornice for the rotunda—a round room. Was there any room adjoining the rotunda? Yes, there was a room behind. While witness was at work on the cornice, did he hear any body in the adjoining room? Yes I heard somebody enter. After somebody had entered what did witness hear? I heard somebody else come in—I put my head under the scaffold to see who they were—I saw the Princess and Bergami come in. There were two figures, one of Adam on the right, another of Eve on the left—Adam had a fig leaf falling below the navel—the Princess and Bergami looked at the figures and laughed together. Witness has told us that Adam had a fig leaf—was there a fig leaf to Eve also? Yes. Can he tell us how the fig leaves

were fastened on ? They were so fastened on a wire that they could be put aside. Where was witness at the time ? I was behind a pilaster to look what they were doing, and when I saw them coming towards me I mounted the scaffold again. Were the figures in the room next that in which witness was at work at ? They were behind the room where I was at work about a yard. What opening was there between the rooms, or between the place in which he was at work and the two figures ? Here was the room where Adam and Eve were ; then forwards there was a small corridor, at the bottom of which there were two doors, one right, one left, and in the middle a pilaster. I placed myself behind the pilaster to look, and had the round room behind me. Did he place himself there in consequence of hearing the people come into the room ? Yes. When the Princess and Bergami removed the leaf what did they do ? They talked. Sometimes looking at one, sometimes at the other, laughing together. Does witness remember an entertainment being given at the Villa D'Este on St. Bartholomew's day ? I do. At what time of night did witness go home to go to bed at a place called Il Paesa. Is it a part of the Villa D'Este ? Immediately after the Villa is the garden. Beyond the garden a walk. And beyond the walk the Paesa, with wood on each side. Does witness know a person called Dominicho Brusa ? I do. When he went home at night who was with him ? Dominicho Brusa. At what hour did he pass through the garden to go home ? About one or half-past. Italian or French time ? Italian. Let the Interpreter translate it into English time ? Nine or half-past nine at night. At what place were the Princess and Bergami when you saw them ? They were at the bottom of a walk, sitting on a bench. Were they alone ? Yes. Did he ever attend at the Theatre of the Villa D'Este ? I have. Did he ever see the Princess and Bergami act together at the Theatre ? I have. More than once ? Only once. Does he recollect what part was played by the Princess ? The Princess was performing the character of a sick woman, and Bergami the part of a Doctor.

The SOLICITOR-GENERAL said, that he had been informed there were some doubts of the correctness of the Interpreter's answer as to the time. In Italy he knew the mode of computing time was different from that which prevailed in France and England, but not as in Lombardy, of which they were speaking ; and, as the hour was material, he would beg leave to put a question to the witness to render it beyond a doubt.

Will you ask him when he says it was one, or half-past one, that he saw Bergami and the Princess sitting in the manner which he has described, how long it was after sun set ? An hour and a half.

*Cross-examined by Dr. LUSHINGTON.*

Has he ever been examined before ? At Milan. When was that ? In 1812. Who by ? The Advocate Vilmercati. Was any other person by at the time ? There was. Who ? I don't know. Does he know Colonel Brown ? I do not. How came he to go to Milan.

to be examined? Because the Government sent for him, that he should appear before the Police. Did they send an Officer of Justice, or how? They sent Rastalli. Who is he? A courier. Had he known Rastalli before? Yes, at Villa d'Este. Did he live there with the Princess of Wales? He did. As a courier? Yes, he was chief groom. What passed between you and Rastalli when he came to you? He told me I must go to Milan by order of Government. Was that all he told you? He told me I must go to Milan because the Government wanted me. Did he say nothing else? No. How long was he with you? He did not stay at all, he came to tell me to go to Milan. Did he tell you what you were to go to Milan for? No, he told me nothing. When you went to Milan, for what purpose did you go? I went because he told me you must go, because you have been living with the Princess at Como. Then he did tell you to go to be examined about the Princess of Wales. Yes, he said you have been there at work, and therefore you must go. Had you before that time spoken to any body of the circumstances you have stated? No, I can swear this, that nobody ever came to me for this purpose. How many workmen have you employed at the Villa d'Este? Twelve or fourteen; and when the Baron told me he wanted more, I then put on 18 or 20, and took them off again when they were not wanted. Were all these persons sent to Milan to be examined? No, not one of them. When you were examined at Milan, was what you said taken down in writing? It was. Did you sign it? I did. Were you sworn? Yes. Who swore you? The Advocate Vilmercati. In what form? He told me I was to swear to speak the truth. Were you sworn on the Gospels, or in what manner? He asked me was I ready to swear to the truth of what I had said, and I said I was. Was he sworn on the cross at that time? Yes; I took the cross which I carry about with me, and I kissed it before Vilmercati. Who was present besides Vilmercati at that time? There were two others present, but he does not know who they were. Were they English? I believe they were? Have you ever seen the deposition since you signed it? I signed my name, gave it in, and then went away.

That is no answer; repeat the question—(the question was repeated)—No, I have not seen it.

Have you ever been examined since that time? No. Has no one spoken to you about the evidence which you were to give since your arrival in England? No. What did you receive for going to Milan to be examined? Nothing, not even a drop of water; I mounted my horse and went off directly. Were you then told that you were to be sent to England? Yes, they told me they were going to send me to England. When was that? Now, when the Governor sent for me. When you were examined at Milan, did they then tell you, you were to be sent to England? No; they told me I should be obliged to swear before a tribunal. What answer did you give to that? I said yes, I was ready whenever they ordered me, because I was ready to tell the truth. Are all the bills paid for the work which you did at Villa d'Este? No, there is a

small balance remaining. From whom did you receive the money for the bills? The head mason paid me; I was working for him; I had nothing to do with the Princess. Who first desired you to come to England? The Governor; I said I did not wish to come; I had a wife with child; that I had an old father.—The Governor told me then that it would only be a business of a month or six weeks. Did you come by yourself or in company with any body else? I came together with some others. Did you come with a courier? Yes, from Milan. What was his name? Azzelli. Did you know the name of any other of the persons with whom you travelled to London? Yes; Brusa, Bianchini, and Henrico Bej. Are they here? They are. Was Brusa with you yesterday? No. From the time you signed the deposition at Milan, had you any conversation with any person upon the evidence you were to give here? I have been speaking to nobody upon the subject. Have you ever spoken with any one on the subject except at Milan, from the time that the circumstances you have stated took place? I never said any thing since about it to any person. I never appeared before any Court of Justice, and I said to the Governor in my country that I did not wish to come. Were you employed by the Princess of Wales to make a monument? No; I was told by Rastalli to go and work, and I went. How often have you seen Rastalli since the year 1818? I have never seen him since he came to speak to me.

The cross-examination of the witness was here ended.

#### ELEVENTH WITNESS.

*HIERONIMO —, Examined by Mr. PARK.*

Were you at any time in the service of the Princess of Wales? Yes. In what capacity? Director of the Gardens. When did you commence your service? About the end of the year 1816. Did you know any person of the name of Bergami? Yes. Was he in the service of her Royal Highness? Yes. Did you know him before you saw him in the service of the Princess? Yes. What was he? He was an Excise Officer; he used to go to put the marks on the casks of wine and spirits. In what circumstances was he before he went into the service of the Princess? When I knew him he was a poor man. How long was the time when you knew him as an excise officer, before you saw him in the service of the Princess? I knew him two or three years before. Did you ever see the Princess and Bergami together? Yes, every day. What was their conduct to each other on those occasions? They behaved to one another with all the friendship as if they were married. How did they walk together? Arm in arm. Did you ever see them in a room together? Several times. Was any body in the room with them, or were they alone? Often alone. Did you ever see them in a carriage together? Yes. How did they sit in the carriage? Bergami sat at the back of the carriage and the Princess on his lap. Was any body else in the carriage with them? None else. Did you ever see the Princess and Bergami in the kitchen together? Yes, seve-



ral times. What did they do when they were in the kitchen together? There was some victuals on a table, and they were eating together. Did they eat from one plate, or had they several plates? Sometimes they had only one plate, and sometimes more than one. Do you know a gate that leads from the large garden into the small one? Yes. Did you ever see the Princess and Bergami together near that gate? Yes. What distance were you from them? About 20 or 30 braces (fathoms.) Did you see them do any thing? I saw them kiss once. Was the kiss on the mouth, or where else? I was behind them and could not observe. Was the kiss on the mouth or not? I saw by their motion that there was a kiss, but whether it was on the mouth or any part, I do not know. Do you not know whether it was on the mouth or on the cheek? I was behind them, and could not see whether it was on the cheek or on the mouth. Have you ever heard them discourse together? Yes, several times; they were almost always talking together. In what manner did they address each other? They sometimes conversed in French, and I could only understand the words, *mon cœur*.

*Cross-examined by Mr. TYNDALL.*

When were you first applied to on this subject? Do you mean when I was examined at Milan? When were you first applied to go to Milan? They sent to me a person whom I do not know, who told me they wanted me at Milan on some affair: but I do not know that person. When was that? In the month of February, 1818. Had you mentioned to any body before that time, any thing at all of this business? Nothing at all. Where did you live when they applied to you? At Branzo. How far is that from Milan? Ten miles. In what situation were you? I was a writer. What do you mean by a writer? I kept accounts. For whom did you keep accounts? For all the affairs of the party—of Prince Beaucharnois. Did the person who applied to you to go to Milan come to you more than once? Only once. Did you go to Milan immediately? No, because I had something to do in my writing. Did he tell you what you were to do when you got to Milan? He told me nothing; only that the Advocate, Vilmercati, wanted to speak with me. Had you not the curiosity to ask what he wanted to speak with you about? I did ask, but he did not tell me. Why then did you go, since you knew nothing of what he wanted with you? He told me I was wanted at Milan; that I must go there, and they would speak with me. Then you went to Milan without knowing why you were sent for? He had told me that the advocate Vilmercati wanted me, but I did not know what for until I got to Milan. Did you know Vilmercati before that time? I had heard his name before, because he was acquainted with a friend of mine, but I did not know him. How long after you were applied to did you go to Milan? A few days. What persons did you see at Milan on this subject? When I got to Milan they told me what hour to call; and when I went I saw the advocate Vilmercati, and two or three others whom I did not know. Were the two or three persons unknown

to you Englishmen? I was told they were English, but I did not know them. Did you hear their names? Not then, but I heard them afterwards. Was the name of one of them Colonel Brown? I heard so afterwards. Were you examined every day while you were at Milan? Only on the last day. What did you receive for going to Milan? They paid me my expenses and gave me twenty francs. When did you leave Italy for the purpose of coming here? On the 29th of June. Who first told you that you were to come to England? A man of the name of Rastalli came to tell me. Who is he? He was a man in the service of the Princess. Do you know why he left the Princess's service? I do not know. Did you know him while he was in her service? I have known him in the service of the Princess. Now recollect yourself, do you not know that he was dismissed from the Princess's service for stealing corn? I know nothing of this. What agreement did Rastalli make with you, or any other person make with you, for coming here? I have no agreement. Did the witness come without any promise of recompense whatever? Yes. Are there many villages and houses round the Lake of Como? Yes, many. Was the carriage in which the witness saw Bergami and the Princess, an open carriage? It was a small open carriage. What was the extent of the Lake of Como? Witness could not tell, it might be a few miles in breadth; he could not tell the distance from one town to another.

## TWELFTH WITNESS.

PAOLO AGIONT *examined by Mr. PARKS.*

He was under-cook in the service of the Princess; his evidence went to shew that her Royal Highness and Bergami were in the habit of walking together arm in arm; witness is a native of Lodi; he knew Bergami formerly, before he was in the service of the Princess; he knew Bergami in prison.

On his cross-examination he admitted, that he had been discharged from her Royal Highness's service, but he denied that it was for drunkenness. He admitted also that he had been examined once at Milan, and once since her arrival in England.

## THIRTEENTH WITNESS.

MADAME LOUISA DUMONT *examined by the SOLICITOR-GENERAL.*

Understands a little English. She was born in the Pais de Vaud. She had resided at Bologna, before she went into the service of the Princess. She engaged with her Royal Highness at Geneva, as femme de chambre. From thence she went to Lausanne with the Princess, and then to Milan. Sir W. Gell, Dr. Holland, Captain Hesse, and Lady Elizabeth Forbes, were in the suite. They went to the Royal Hotel at Milan. Bergami was taken by the Princess as courier, 14 or 15 days before she entered Milan.

Did Bergami wait at table on her Royal Highness? Yes. Do you recollect any one of the name of William Austin with the Princess? Yes, he was in the habit of sleeping in the room with the

Princess. Do you recollect in what house the Princess slept, the night before she entered Naples? In a country house; I cannot say where Austin slept that night. Had the Princess any conversation with you about the place of his sleeping? She told me he was too big a boy to sleep in her room at that time. Up to this period, Bergami always breakfasted and dined with the servants, at our table. On the first night of our arrival at Naples, I cannot tell what room Bergami slept in, but on the second night it was near to the room of the Princess. Was there any internal communication between the rooms? Yes, by a small cabinet, with a fire-place and a passage. Could a person pass to the room of the Princess and of Bergami, by going along the passage and through the cabinet? Yes, there was a door leading out of the passage. When that door was closed, and those of the Princess and Bergami closed, was there any access to those rooms and that passage? No; only those doors mentioned. Did the Princess go to the Opera the evening after her arrival at Naples? Yes, she told me she was going; she returned early, as it seemed to me—she went into her bed-room. I was not there but she sent for me. What did the Princess do then? She crossed the passage and went into the cabinet; I do not know where Bergami was at the time. What did she do in the cabinet? I do not know—she returned, and told me to forbid W. Austin to sleep in her room, as she wished to be quiet, and he slept in a small cabinet, where he slept afterwards; it was near the bed-room of the Princess, with a door of communication between them. Was that door open or shut on that night? I saw it closed that night. When that was shut was there any communication between the cabinet and the passage? None; there were two beds in the Princess's room that night, a large one and a travelling-bed. In the latter the Princess usually slept. Was it made up that night for her? I saw it made in the evening. Had the other bed sheets upon it? I saw afterwards that it had no sheets. I remained some minutes with the Princess that night. Did you make any observations on the Princess? I saw her very much agitated—she sent me away. Do you know where Bergami slept that night? No. I believe—

Mr. BROUGHAM. We have nothing to do with belief.

What time did you see the Princess next morning? Near 11 o'clock; that was about the usual time of rising. When did you see Bergami next morning? Not the whole of the morning. When did you first see him that day? Not until dinner time. Did you take notice of the travelling bed that morning? I observed that nobody had slept in it. Did you observe the appearance of the other bed? Yes. I observed it had been occupied. It was not much deranged. Did you, during the residence at Naples, ever see Bergami in the dressing or bed-room of the Princess? I have seen him in her bed-room very often. Did you see Bergami with the Princess while at her toilet, once or more than once? Several times. In what state, with respect to her dress, was she at that time; little or much? Sometimes dressed and sometimes not. Do you ever

remember seeing Bergami at night in the passage you described, in which the doors were? Yes. Where was the Princess at that time? In her bed-room, undressed. Where were you standing at the time? Near the door of her Royal Highness. Where did you see Bergami? I saw him come out of his own room and come into the passage. In what direction? He was going towards the room of her Royal Highness. What was the state of his dress? He was undressed. What do you mean by being undressed what had he on? He was not dressed at all. What had he on his feet? Slippers. Any stockings? I saw no stockings. Had he any shirt on? No. You saw the Princess undressed. Was she in bed? No. When you saw Bergami come along the passage in the direction which you describe what did you do? I ran away, I escaped by a little door near me out of the apartment of the Princess.

The witness then proceeded to state that she made no observations upon the small travelling bed on the second night after the Princess's arrival at Naples. She observed that the great bed had the appearance of more than one having slept in it; on the subsequent nights it always bore the same appearance. Towards the latter end of the Princess's residence at Naples is was her business to make the bed. She also made the small travelling bed.

Do you remember a Masked Ball given by Murat to the Princess? I do. At what place? In a house near the sea. Where did the Princess dress herself at that Ball? In a small room in the same house where the Ball was. What character did the Princess first appear in? In the character of a country girl in the neighbourhood of Naples. Whose business was it to assist the Princess in putting on her dress? Mine. Did you go to that house? I did. Did Bergami also go? Yes, with me at the same time. When the Princess dressed herself in the character of a Peasant Girl, who assisted her? I did. How long did she remain in that character? About an hour. Did she afterwards return to change her dress? Yes. What dress did the Princess take the second time? The Genius of History. Did you assist her, in changing her dress? No; Bergami went into the room where the Princess was; I remained in the Anti-room. Did you see Bergami dress her? I saw Bergami enter her Royal Highness's room. How long did Bergami remain there? I cannot remember precisely, about 3 fourths of an hour. Did the Princess come out alone? Bergami came out first, and the Princess afterwards, about three minutes afterwards. The Princess went down stairs to go to the ball in that character, and was absent about 3 fourths of an hour. Describe the manner in which the Princess was dressed? Her arms were bare, her breasts were bare, and her drapery in the same way as is used in such characters. I did not observe whether her arms were completely naked.

The witness proceeded to state, that the Princess afterwards changed her dress, and assumed the character of a Turkish Peasant. Bergami was in a similar character—they went down stairs to the ball, arm in arm. The Princess some time afterwards went home. The witness knew a garden belonging to the Princess, and a terrace in

that garden; she had often seen the Princess and Bergami walk on the terrace arm in arm; she remembered Bergami meeting with an accident at Naples, and there was a sofa brought into the cabinet, but she did not know whether it was on that occasion or not; she recollected the Princess and Bergami going to the Theatre of St. Carlos; they went in a hackney-coach. The Princess went through the terrace in the garden to a small door leading out of the garden to get into it; it was a gloomy, very gloomy night, and it rained: when they arrived at the Theatre they went to the top and to the saloon, where they walked. The Princess was dressed in a red cloak and Bergami had on a red domino; they went down into the pit; a number of ugly persons got about them, and they with difficulty got away. The dress of the Princess was very ugly—monstrous.

LORD HAMPDEN wished the witness to explain. The Princess was in a monstrous ugly dress.

MR. BROUGHAM submitted that it was a gross irregularity, that one of the Judges in this important case should put an entirely new construction upon the answer, a construction it could not bear—(Loud cries of order, order.)

The witness further stated, that after Bergami and the Princess left Naples, the intimacy continued; none of her English suite left her until she quitted Naples. At Genoa, the Bed-rooms of Bergami and the Princess were near together; a single room divided them; she remembered the shrubbery at Genoa; the Princess and Bergami walked there together, but she did not observe they were arm in arm.

WERE they alone in the shrubbery, or how? Sometimes myself, sometimes Majocchi was with them. Was the door of the witness's bed-room into that of the Princess shut or locked at night? The Princess turned the key inside. In the morning who let you into the Princess's room? The Princess herself called me. Did you observe whether the bed of the Princess had been slept in or not? More often it had not been slept in. When you were locked into your own room at night did you ever hear any noise of a door opening?

Some conversation here arose between the Duke of Hamilton, the Earl of Liverpool, and other Peers, as to the competence of the Interpreter, and it was ordered that another should be procured tomorrow.

In answer to the last question, the witness then said—I have sometimes heard a noise of a door opening, but I do not know whether it was the door of the cabinet between the rooms of the Princess and Bergami; during the remainder of the night all was quiet. Was it the business of the witness to make the bed of the Princess? It was; but I very rarely made the bed, because it was not needed, as it was made; it was almost always made when I went into the Princess's room in the morning.

The witness was then asked as to the introduction of the relations of Bergami into the family of the Princess, and in her answer confirmed the account given by Majocchi. The Princess went to

look at a house near Genoa, which she said, she liked because it was out of the way of the English. From Genoa her Royal Highness went to Milan, whither she was followed by Lady C. Campbell. Who went in the carriage from Genoa? The Princess, W. Austin, and myself; Bergami was on horseback. Did you see her Royal Highness say any thing, do any thing, or give any thing to Bergami on the road? She often gave him something to eat, and asked him if he wanted any thing; he was then dressed as a Courier. Do you recollect the situation of the bed-rooms of the Princess and Bergami at the Place Borromeo or at Milan?—Yes; they were near. When Lady C. Campbell went away was there any English Lady left in the suite of the Princess? No; she was succeeded by the Countess of Oldi; I had previously been told by the Princess, that the Countess of Oldi was a Noble Lady and pretty; she wished to come as Dame d'Honneur; two months after she came I found that she was sister to Bergami; the Countess of Oldi could not speak French, and but very vulgar Italian.

Being asked as to the style of writing of the Countess of Oldi, some interruption took place, and the question was not answered. This witness then deposed to the departure of Mr. W. Burrel, Doctor Holland, and others, from the service of the Princess, so that excepting Mr. Hawnam the Princess had no other Englishman in her suite.

Was there any gallery belonging to the house in the Place Borromeo? Yes; round the house, inside. Do you remember being in that gallery at any time in the morning, and seeing Bergami? I have not seen Bergami in the gallery. Where did you see him? At his window. What was he doing? He was opening his window to call his servant. What robe or dress had he on at the time? He had on a blue silk gown, which the Princess generally put on in the morning. Had you seen the Princess wear it before that time? Often. How near that time? Some days before. After Mr. William Burrel left the house of her Royal Highness, did any alteration take place—did you observe any change in the House? There was more freedom, more liberty in the house. Tell us in particular what you allude to—what you observed? They played in the saloon; her Royal Highness and the servants every night. How did they play—can you tell us at what game? At different games; different plays, different frolics. Mention any? Blind-man's Buff. Did the Princess play? Sometimes. To the best of your recollection did this take place before Mr. Burrel? After the departure of Mr. Burrel. Did you make any observations on the conduct of her Royal Highness with respect to Bergami during her residence at Milan, and at the Villa Villani? Only that they lived very free towards one another. When did the Princess go to Villa d'Este? In the beginning of September.

Five o'clock being arrived, the Earl of Liverpool, moved the adjournment of the House, and their Lordship's separated.

## THIRTEENTH DAY—AUGUST 31.

*Examination of MADAME LOUISA DUMONT resumed by the SOLICITOR-GENERAL.*

Did her Royal Highness the Princess of Wales, while the witness was residing with her at Villa Villani, make any tour to any place? Yes, to Mount ———. Does witness remember any place where they first stopped? At the Barromean Isles. Did the Princess sleep there? Yes. Where did she dine? I don't recollect. Does the witness remember if her Royal Highness dined at any Inn on the road? Witness thinks that they stopped at an Inn at Varesa, but does not recollect which. Had you ever been before at the Barromean Isles with the Princess? Yes. Did the Princess sleep at the Barromean Isles on the first occasion? Yes. Was this on the journey from Lausanne to Milan, on her Royal Highness's first arrival on the Continent? Yes. What apartment was it in which the Princess then slept? The most elegant in the Barromean Isles. Is that an inn, or the Barromean Palace? The Barromean Palace. When her Royal Highness went to sleep there on the second occasion, what apartment was prepared for her? I don't recollect what apartment was prepared. Did witness on this second occasion see the apartment in which the Princess slept the first time? Yes. Does witness know where Bergami slept? Near the apartment of her Royal Highness. Was the apartment prepared before her arrival or after? As far as I can recollect, on her arrival. What kind of apartment was it? A large room. Was there any communication between that room and the room where Bergami slept? I don't recollect.— Do you remember the Princess going to Ballauzoni? Yes. Did she dine at an inn there? Yes. Where did Bergami dine? I saw him sit at the table with the Princess. How was Bergami dressed? In his *courier* clothes. Did he act on the journey as courier? He was not riding on horseback but in a carriage; he was dressed like a courier, what kind of a carriage was it? An open carriage. Was it that in which the Princess was riding in or another? Another. Did the Princess return from the Villa Villani? Yes. In what month did she go from Villa Villani? As far as I can recollect, the beginning of September. On the journey, did the Princess stop and sleep at Lugo? Yes; on her return. Do you recollect the position of the Princess's and Bergami's bed-rooms at the Villa d'Este, on their first arrival? Yes. Will you describe the situation of the apartment of her Royal Highness, and what rooms or apartments you had to go through to get into it: One entered into a dark anti-room; then had to pass through a small corridor or passage, beyond which were two rooms, and then the sleeping room. In going to the sleeping-room, did the two rooms which you mentioned communicate with each other? They did. Did the second of them communicate with the bed-room? Yes. Then on going to the bed-room you passed through the passage and the two rooms? Yes. Will you describe

the situation of Bergami's bed-room? It communicated with the first of the two rooms. Besides this communication with the dark anti-room and Bergami's bed-room, was there any communication with Bergami's room and any other place? Yes. With what place? With the sleeping-room of the Princess.

What was there between the sleeping-room of the Princess and Bergami? There was a small cabinet between the rooms. When the door between the dark room and Bergami's bed-room was closed, could any one get in except through the small cabinet? I never saw any other passage. At what time did the Princess usually go to bed at that time? Sometimes at 11 o'clock; sometimes later. Who used to go with the Princess into her bed-room? Sometimes, when I was in the bed-room with the Princess, there was only Bergami besides; sometimes, before the Princess came in, Bergami was there; sometimes Bergami accompanied the Princess. Through which way did they come? Through the two rooms before described by me. When Bergami so accompanied the Princess, which way did they go out, or did he remain there? He did not remain long; sometimes he went through the two rooms, sometimes through the little passage. Did witness remain in the room for the purpose of undressing the Princess? Before the Princess entered, or after? After? Yes; I undressed her Royal Highness every night. After you undressed her, which way did you retire? Through the two first-mentioned rooms. Did the Princess accompany you often? Yes. How far? As far as the last door. Was any thing done by the Princess when witness retired? her Royal Highness locked it herself. Did you ever in the morning, before her Royal Highness was dressed, see Bergami? Yes. Where did you see him? By the door of his room, calling his servant. Did you ever see her Royal Highness at the same time? Yes. Where? At the door of the large room, when she was calling me. In what state was her Royal Highness as to dress at that time? She generally had on some silk dress. How was Bergami dressed? In a mantle of blue silk. Had the mantle belonged to the Princess? Yes. Did you ever see her Royal Highness and Bergami on the lake during the first time of their residence at the Villa d'Este? Yes. Alone or with other people? Alone. Was it in a canoe? In a small canoe. Did you ever see them walking together during the first time of their residence at that place? Yes; sometimes the Princess had Bergami's arm. Do you remember the little Victorine at the Villa d'Este during their first residence there? Yes. How did she address her Royal Highness? She called her mamma. Do you remember where Bergami dined during their first residence at the Villa d'Este? Generally in the hall. Do you remember Bergami ever dining with her Royal Highness during her first residence? Once. Do you remember her Royal Highness ever coming into the room where you dined while you were at dinner? Yes; once. Was Bergami and his mother at table? Yes. What did her Royal Highness do on coming into the room? She sat down at table beside Bergami. Do you remember at that time seeing Hieronymus? At that moment he was not at our table. Did you afterwards see him before her Royal Highness left the room? He came afterwards.



Before he came in, did her Royal Highness make any observation about him, or do any thing? Her Royal Highness said, "I hear Hieronymous in the kitchen, and I must go away," and she immediately left the room. Did you accompany her Royal Highness on her voyage to Greece? Yes. And landed at Palermo? Yes. Did her Royal Highness go to Court at Palermo? Yes. Did Bergami go with her? Yes. Do you remember arriving at Messina? Yes. Do you recollect the residence of the Princess near that place? Yes. Do you recollect how the bed-rooms of the Princess, Bergami, and the Countess Oldi, were relatively situated there? Yes. Describe the situation; whose room was next the bed-room occupied by the Princess? That of the Countess Oldi. Was there a door open from the bed-room of the Princess to that of the Countess Oldi? Yes. What room was next that occupied by the Countess Oldi on the other side? That of Bergami. Was there a door opening from the bed-room of the Countess Oldi to that of Bergami? As far as I can recollect, there was a small passage between the two rooms which communicated between each. What room was next that occupied by Bergami? My own. Did you at that time assist her Royal Highness, in going to bed, in undressing her? Yes. In passing from her Royal Highness's room to your own, did you ever go through the rooms of the Countess Oldi and Bergami? Yes. On these occasions did you ever find Bergami in his room in bed? Yes, sometimes. Do you ever remember her Royal Highness coming to call you in the mornings? Yes, she sometimes came to call me in the mornings. Through what door did she call you? At that door which was next Bergami's. Did the Princess open that door? Sometimes, the Princess, sometimes Bergami. When the Princess opened that door what was the state of her dress? She was in the same cloak which I have already described. Had she any other clothes on except night clothes? No. On these occasions was Bergami in bed? I never saw him in the morning in bed. You have said that Bergami sometimes opened the door of your room. When Bergami so opened the room did you go into the room of the Princess? Yes. Did you find the door between the rooms of Bergami and the Princess open or shut? Generally open. Did you make any observation on the mode in which the Princess used in addressing Bergami? Yes. What expression did she make use of towards him.—(The witness asked, whether the Solicitor-General meant generally, or on particulars occasions.) When departing from home or returning after an absence? On these occasions she often called him, "*Mon cœur*," or "*Mon cher ami*."

A noble Lord requested that the short-hand writer would take down the words used by the Princess in addressing Bergami in the French language, which was accordingly done. Do you recollect what terms the Princess made use of when they separated once on his going to Messina? When they parted her Royal Highness said, "*Adieu, mon cœur prenez garde*." Have you observed any thing else on those occasions? I heard them kissing each other behind me.—Did you go from Messina to Syracuse on board the *Clorinde*? Yes.

Did you go from Messina to Syracuse on board the *Clorinde*?— Yes. Do you remember seeing Bergami in the cabin of her Royal Highness on board the *Clorinde*? Yes, once. Was the Princess up or on her bed? It was in the day time, but she was lying on her bed. Where was Bergami in the cabin? He was also on another bed, by the side of her Royal Highness. Did you remain any time in the cabin? About half an hour. When you say he was on his bed in the cabin, do you mean that he was sitting or lying? He was lying. Where did her Royal Highness lodge at Syracuse: at what house? In a small country house. Do you recollect the situation of the bed-rooms in that house? Yes, Describe the situation of the room of the Countess Oldi and yourself? The Countess Oldi was in the same room with me, and it communicated with the drawing room. Was there a room on the other side of the dining-room? Yes, that of her Royal Highness. Was there any private staircase in that room? Not in the room, but by the side of the room.— Where was Bergami's bed-room? On the same side of the dining-room. Did any body but Bergami and the Princess sleep on that side of the dining-room? As far as I can recollect, nobody. Was there any thing between her Royal Highness's bed-room and that of Bergami but the small staircase you have described? I don't recollect. Was there a door leading from her Royal Highness's bed-room to the dining-room? Yes. Did she observe her Royal Highness do any thing with this door at night? I heard several times her Royal Highness lock it after I was gone out. When that door was locked was there still a communication between the bed-room of Bergami and her Royal Highness by the staircase? Yes, there was a door in the room of her Royal Highness. And was that door at the head of the staircase? Yes. From Syracuse did her Royal Highness proceed to Catania? Yes. Where did her Royal Highness reside at Catania? In the town. Did the dispositions of the bed-rooms continue during all the time that her Royal Highness was at Catania? There was an alteration for a few days only. Will you describe what was the situation of the bed-room of her Royal Highness before that change took place. What room was next to that of her Royal Highness? The room which I occupied. The room of her Royal Highness communicated with the saloon. Where did Bergami sleep? On the other side of the little yard. Was there any door between that yard and the bed-room of the Princess? There was a door in the dressing-room which went to the little yard. Was there a door from that Court-yard to the bed-room of Bergami?— Yes. How long did Bergami sleep in that room? I don't precisely recollect. Was he afterwards indisposed? He was indisposed for some days. During the time he was indisposed, what room did he sleep in? He slept in the room of the Countess Oldi.

At the time he slept in the room of the Countess Oldi, did you sleep in the room between the room of the Countess Oldi and the Princess? Yes. During that time did the Princess go to bed before you? I recollect her going once to bed before me, whilst I was at supper. Did you see Bergami? No. When you went up to

bed was the door between your room and the Princess's open or shut? Shut. How was the door between your room and that communicating with Bergami? It was shut. Did you observe any thing occur during the night? Nothing that night. Did you observe any thing in the morning? I don't recollect, if it was on that morning or the morning after that I saw her Royal Highness come out of the room of the Countess Oldi. When she came out of the Countess of Oldi's room where did she go? She passed through my room in order to go to her own bed-room. Had she any thing in her hand? She had a cushion or pillow. Were those the cushions or pillows on which she usually slept? Yes. How was she dressed? She was not dressed; she was dressed as in the night after I had undressed her. Did her Royal Highness at night usually sleep in that dress? I don't know. What part of her dress did her Royal Highness usually wear when she went to bed? I left her every evening in a little white night-gown or robe. When you saw her come from the Countess Oldi's room on the occasion you have mentioned, was she dressed in a similar robe? Yes, it was a robe of that kind, it came up as far as this. (Indicating the shoulder and the neck just above the bosom.) You have said that Bergami slept in the room that was first used by the Countess Oldi, where did the Countess sleep at that time? In a small bed which was put for her into her Royal Highness's room. And where did the little Victorine sleep? In the same room. During the night of which you have been speaking, did you hear the little Victorine? I heard her cry. What night was that? The same night. When you say the same night, do you mean the night preceding the morning on which you saw her Royal Highness come through your bed-room? Yes.

Describe all you heard that night in the room where the Countess Oldi and Victorine slept together.

Earl GREY observed, that it did not to him appear whether the Countess Oldi slept in her own room on that night.

The Earl of LIVERPOOL said, that perhaps the witness had better be asked who slept in the Countess Oldi's room that night.

You have told us that Bergami, in consequence of illness had changed his bed-room, and slept in that which had before been occupied by the Countess Oldi, how long was that before the morning of which you have been speaking? I do not exactly recollect the time, but Bergami slept three or four days in that room. Was it long before? I do not recollect how long. I do not ask you to tell the precise time, but was it one, two, three, or four days? I believe it was not more than one or two days. How long after that morning did Bergami continue to sleep in the Countess Oldi's room? I do not precisely recollect whether it was one or two days; it is so long ago I cannot remember to a day. Was he sleeping in that room at the time when, as you have described, her Royal Highness came out of that room? Yes. Do you remember the night before the morning of which you have been speaking, hearing the door of your room open? I heard the door of my room open, but I do not recollect whether it was before the morning of which I have spoken. I heard

P

her Royal Highness open the door one night, but I do not recollect if it was the night before I saw her come out of that room. At the time when you so heard the door of your room opened after you were in bed, was Bergami sleeping in the Countess Oldi's room? She occupied the same room.

A Peer requested the last question with the answer to it, might be read over by the short-hand writer.

At the time when her Royal Highness came out of the room with the pillows, did she see you? Her Royal Highness looked at me. When her Royal Highness looked at you, what observation did you make on what her Royal Highness did?

Mr. BROUGHAM observed, that it did not yet appear that her Royal Highness did any thing.

What did her Royal Highness do at the time when you saw her come out of the room where Bergami slept, with the pillows, as you have described? She fixed her eyes on me. What did she do? She went into her own room. Did she say any thing? No. Had you been in the habit of remaining so late as ten o'clock in that room? No, I generally went to my breakfast at nine. During the time that Bergami slept in the Countess Oldi's room, when you say you went to breakfast at nine, were the doors either of Bergami's or the Princess's room open? I never saw them open. During the time that Bergami slept in that room, had you ever been called to dress or attend her Royal Highness before you went to breakfast at nine? No. When you returned from breakfast how did you find the doors usually? Shut—but (after a short pause) sometimes her Royal Highness was up. Was her Royal Highness in her own room? Yes. You were describing something that passed in the room where the Countess Oldi and Victorine slept together; have you described all you observed? I heard Victorine weep, and call out, "mamma!" and the countess Oldi endeavouring to sooth her. When her Royal Highness was at Catania, do you remember whether she had her picture painted? Yes. Do you remember the name of the artist? No. Do you know in what character she was painted? There was another picture of her Royal Highness painted at Augusta. I do not recollect the character of that at Catania. Do you remember in what character she was painted at Augusta? Yes; a Turkish woman. Did you ever see any other painting of her Royal Highness besides that at Augusta? Yes. What was the other; in what character? As a penitent Magdalen. How was the upper part of her person, covered or uncovered, in the picture? Uncovered. How were the breasts, were they covered or uncovered? Uncovered.

The Queen's interpreter said, that it was "*gorge*," and, that it meant "neck."

The LORD CHANCELLOR (to the interpreter,) what do you say *gorge* means? The *Interpreter*. It means that the neck was uncovered. Will you ask the witness, as the witness has described, that a part of her person was uncovered, will you ask how low the part uncovered was—how low it extended? As far as here, down to the chest (laying her hand across her chest.) Will you ask whether the

breasts were covered or uncovered. It was uncovered as far as here (pointing a little below the chest.) Besides the two pictures you have described of her Royal Highness—besides those two, was there any other painted while in Sicily? Another portrait was taken. Where was that portrait taken; at what place, as far as the witness can recollect? I do not know whether at Catania or Augusta. In what character was that third portrait painted? In a common dress; as her Royal Highness used to dress. Now, as in this portrait of her Royal Highness, in the character of a Magdalen, did she ever see that portrait in the possession of any one? Bergami shewed it to me one day at Augusta, telling me it belonged to him. Do you know whether a portrait of Bergami was taken? Yes. Do you know whether her Royal Highness adjusted the dress of Bergami for this portrait? Yes, his shirt. Did she make up any other part of his dress? I don't recollect. Did she ever say any thing to you, respecting the manner or dress in which he looked best? I don't recollect. Did Bergami receive any title at Catania? He was made Knight of Malta. Did he receive any other title at Augusta? He was made the Baron de Franchina. Do you remember any house at Augusta, at which the Princess resided? Yes. How were their bed-rooms situated there? They were separated by two rooms, and a small little room, in which nobody resided. Did that continue during the whole time she was there? No. There was a change. Where did Bergami sleep then? Near to her Royal Highness. Was there any communication between their rooms? Yes, a door. Did that door go from one room directly into the other? Yes. Was there a door into your room from Bergami's? Yes. What was done with that door? Always shut at night. Merely shut, or locked? I heard Bergami sometimes try if it was locked. At Augusta did you assist her Royal Highness in undressing? Yes. Did you hear any thing in the chamber of Bergami, after you had left her Royal Highness at any time? I have heard whispering. Where did Her Royal Highness breakfast? I do not recollect; but once saw a breakfast tray in the room of Bergami. You told us you had seen her Royal Highness arrange the turban of Bergami—did you ever see her make any other arrangement in his dress? Yes; she arranged the neck of his shirt, opening it, saying, he liked it better so. Repeat the words of her Royal Highness as if you were speaking them? When the shirt was open, she said, "I like it better so." Did you go on board the *Industry* polacca at Augusta? Yes. Do you remember where Bergami slept the first day or two of the voyage? As far as I can recollect, in a small cabin, near the eating-cabin.

LORD LIVERPOOL here kindly suggested, that a chair ought to be provided for the witness.

She sat down apparently much exhausted.

Afterwards was his sleeping-place changed? Yes. Where did he sleep afterwards? In the dining-cabin. How many doors were there leading into that cabin? Two doors. Were they both open? One closed, one open. Was the door which was open, on Bergami's side? As far as I can recollect, it was on the other side. Where did you

sleep? By the door that was open. Did any body else sleep in the dining-room? No. Where did the Princess sleep? In the cabin next to where Bergami slept. Where did the Countess Oldi sleep? In a cabin on the other side. Had that a door leading to the dining-room? Yes. Were they the only persons who slept there? Yes. Was the door of the dining-room shut at night? Shut. Do you mean locked? I cannot say. Did you ever go into the dining-room when Bergami was in bed? Yes. Was the door of her Royal Highness going into the dining-room open on any occasion? Sometimes open, sometimes shut. Did you ever see it open when they were both in bed? Yes. When that was so, did you ever perceive any thing? I saw them twice speaking together. Did you land with her Royal Highness at Tunis? Yes. Where did she lodge at Tunis? First at the British Consul's; afterwards at the Palace of the Bey. What was the situation of the Princess's and Bergami's rooms?—The situation of the Princess's and Bergami's rooms in the Palace was this: they were separated by a room occupied by no other person, and a small cabinet. The Countess Oldi, and my sister, and myself slept near. The room in which I slept opened into the empty room. Only my door, and the Countess Oldi's; the other opened into that room. There was a door in that room which was closed at night. It was the door which led into an inner yard in the house. Did you, at any time at Tunis, on a morning before the Princess left her chamber, see Bergami in it? Yes. Before she was out of bed? Before she was up. What did you see him do? He passed out of his own room and went into her room. How long did he remain there? I don't recollect. Did you go into the room afterwards? Only to the threshold, as the Princess asked for something. She was still in bed, and Bergami still in the room. Did you go into the room or retire? I withdrew. Did it appear as if one person had slept in it or more than one? It appeared to be much in disorder. Can you say according to your judgment whether one or more persons had slept in it? I cannot say that two had slept in it, but it rather appeared that two persons had slept in it. Why so? I cannot exactly say; because it was in great disorder. Did you embark at Tunis again for the purpose of prosecuting the voyage? Yes; and went to Constantinople, and afterwards to St. Jean d'Acre; then to Jerusalem. We landed at St. Jean d'Acre to go to Jerusalem. Do you recollect a place called Aum? Yes. How many did the whole party consist of? I cannot say precisely. Did you sleep at a house or did you encamp? We slept under tents. Did her Royal Highness sleep under a tent? Yes. Will you describe that tent; was it single or double? Double. Was there any bed or bedstead under that tent? There were two small beds in the tent. Did you go to this tent to assist her to undress? Yes. Was she undressed as usual? Yes. Did you leave her undressed? I left her undressed, and she was lying on her bed. Where was Bergami? Under the same tent. Was he dressed, undressed, or partly dressed? He was dressed; but he had no coat on. When you retired did you leave them both there? Yes. Was the tent up or down at the time in the

morning when you saw the Princess and Bergami together? As far as I can recollect, it was shut down on all sides. Did you dress her Royal Highness in the evening, before you proceeded on your journey? Yes. Did you, in the course of that journey, before you went to Jerusalem, sleep in tents? Yes. Did her Royal Highness sleep under the same tent as before? She did. Were there two beds under the tent the second time? Yes. Did you undress her Royal Highness the second time? No, as far as I recollect it was my sister. Do you remember where her Royal Highness resided at Jerusalem? Yes. Do you remember having seen Bergami in the bed-room of the Princess while at Jerusalem? Yes. Where was he in the bed-room? He entered the room while I was there, and threw himself on the bed in a jesting way. Was the Princess in the room at the time? Yes. Did he continue on the bed? Not long. On board the vessel in which you arrived at Jaffa, where did her Royal Highness sleep? On the deck in a tent. When the Princess used to sleep on the deck who used to sleep in the cabin? Little Victorine; my sister and I, by turns, took care of the child. Do you recollect the Princess bathing in the vessel? Yes. Did she bathe more than once? I don't recollect more than twice. Who went with her to the bath? Bergami. Did they come up together after, or did Bergami come first? Bergami came on deck to call me to go and dress the Princess. Did they remain at the bath long together? Nearly three quarters of an hour. Who assisted in getting water for the bath? I saw Theodore Majocchi standing by the side of the door with a pail of water. Have you ever seen the Princess and Bergami under the tent in the day time? Yes. Once or often? Often.—How did her Royal Highness employ herself on board the vessel?—She worked for little Victorine. Did she do any work for any body else? I don't recollect.

The Lord CHANCELLOR directed the witness should be allowed to retire.

On her return she was asked—When Bergami told you to go down to the Princess, after coming out of the bath, in what state was her Royal Highness? She was in her own cabin standing up. Had she any clothes on? The same dress she had on as the morning before when I undressed her. Her bed-gown? Yes. Did you assist in dressing her? Yes. How was Bergami employed on board the vessel? He was almost the whole day lying down on his bed. When you talk of the whole day on his bed, what bed do you mean; after you left Jaffa? The little bed on deck under the tent. When you saw him in the morning, what dress had he on? A kind of Greek gown with white sleeves. Did you ever see him do anything to amuse the Princess? Yes. Describe it? He was playing tricks and jokes.—Once I saw him take a cushion and put it under his gown, and walk about deck. Do you mean in front? Yes. Did you observe what the Princess did? She laughed. Do you remember any shirts being made on board? As far as I can recollect, the Countess Oldi made some shirts for Bergami. Do you remember what the Princess did? She often worked. Did the Princess do any thing to the

shirts? She said that she would make them herself. What passed—did you hear what was said to the Princess about the shirts? Bergami said that he wanted to have some shirts made. The Princess said that she would make them herself. What said Bergami? He smiled only. While you were at Jerusalem was any order conferred on Bergami? Yes. What order? That of the Holy Sepulchre. Was any other Order instituted at Jerusalem? The Order of St. Caroline was instituted, but I don't recollect if at Jerusalem or on board the vessel. Was that Order, or any situation in it, conferred on Bergami? Bergami was made Grand Master of it. Do you remember the theatre at the Villa d'Este? Yes. Did you ever see Luigi Bergami act there? Yes. Did you ever see him play any thing there with her Royal Highness the Princess? Yes, he was dressed like *Harlequin*, and the Princess like *Columbine*. When Bergami first came into the service of her Royal Highness, did he wear ear-rings? Yes. Did he continue to wear the same ear-rings, or were they changed for others? He changed them for others. What became of the ear-rings which he wore at first? I saw them afterwards in the ears of her Royal Highness. Had the little Victorine any ear-rings? Yes. Did she continue to wear the same ear-rings, or were others given her? They were changed at the Villa d'Este. What was done with those others? I saw them afterwards in the ears of the Princess. Do you remember a black silk handkerchief worn by Bergami? Yes; he generally wore in the morning a black silk cravat. Have you seen that black silk cravat any where else? In her Royal Highness's room. More than once? Several times. Does she remember observing any thing of the slippers of Bergami? I remember he once had a pair of white slippers. Has she ever seen those white slippers any where else? Yes; in her Royal Highness's room.

By a Peer.—What room? In her bed-room.

Does the witness recollect sleeping two nights under tents at Baggoza, on the journey to Jerusalem, seeing any thing in the tent her Royal Highness slept in? I saw something belonging to Bergami, but I cannot recollect what it was. Does she by "something," mean any part of his dress? Yes. Do you remember a place called the Barona? Yes. Do you remember any balls being given at the Barona? Yes. Who attended those balls? Persons of low condition. Have you heard Bergami tell her Royal Highness any thing as to the conduct of the persons at the ball? Yes, once. What was it? Bergami related a story of what had happened in the house. Did that relate to persons at the ball? Yes. What was the story? This story was so indecent that I dare not relate it. Was the story you are now referring to told by Bergami to the Princess? Yes.

Some discussion now took place among their Lordships, as to whether the particulars of this story must be given. The Lord Chancellor observed, that must be detailed or all that had been stated respecting it, must be struck out. Earl Grey was of the same opinion. The Solicitor-General said he had no objection to have



this part of the evidence struck out. The Lord Chancellor asked what Mr. Brougham desired on the subject—Mr. Brougham said for the sake of justice he thought the whole should be stated. However he had no desire on the subject.—That part of the evidence was accordingly omitted, and the examination continued.

Did any body go to bed in the same chamber with the Princess? Yes, myself. Does the witness remember being at Charnetz? Yes. Was not Bergami absent one night from Charnetz. I remember Bergami going from Charnetz to Inspruck to obtain passports. What time of day did he go to Inspruck? I think it was in the morning. Does the witness remember the chamber of her Royal Highness at Charnetz? Yes. At what time did you go to bed? Near ten o'clock. What time did the Princess go to bed? Same time. In the same room? Yes. Did Bergami return from Inspruck the same night? Yes. As well as you can recollect, how long after you had been in bed? I do not recollect, for I had fallen asleep. Did you sleep in the same bed with the Princess, or in another? I slept on a small bed on the floor. After the return of Bergami did you receive any orders from the Princess? Her Royal Highness told me I might take up my bed and go. Had you seen Bergami before those directions were given? I saw Bergami the moment those orders were given to me. Where? In the bedroom. Did you in consequence of those orders go away for the night? I left the same moment. Did Bergami remain in the room or was he gone? I cannot exactly say if Bergami was in the room when I left it, but I think he was. Can't you tell how long it was after you were in bed that Bergami returned, whether one, two or three hours? It was about two hours, or two hours and a half. Do you remember going with her Royal Highness to Carlsruhe? Yes. While at Carlsruhe did you go on to the Baths? Yes. Did her Royal Highness sleep there one night? Yes. Do you remember going into her Royal Highness's room before you went to bed? Yes. Did you see her Royal Highness there? Yes. Was she alone, or was there any body with her? Bergami was there. Was the Princess standing or sitting? Sitting. Where was Bergami? Sitting by her side. Did you observe the arm of Bergami? where was it? Bergami's arm was round behind her Royal Highness. Describe in what manner? Behind her body. Where was his hand? His hand came round the Princess's waist to the other side. How was the Princess sitting? Her head was leaning against Bergami's arm. Where did she afterwards go to? To Vienna. How long did she stay there? Three or four days. Where did the Princess go from Vienna? She went to Trieste. How did she travel? In a small carriage. Who accompanied her? Bergami. Did she arrive at Trieste before her suite? Yes. From thence where did she go? To Barona, and from thence to Rome. More than once? More than once. During the journey to Rome did you travel in the same carriage with the Princess? Yes. Who was in the carriage with you and the Princess? Bergami. How did you sit in the carriage? Bergami sat between us. Did you take any

notice of his arms or hands, when in the carriage? No. Do you recollect any thing that passed? I do not. Do you recollect a bust being taken of her Royal Highness at Villa Grande? Yes. And one of Bergami? Yes. Did you see the Princess and Bergami sit for their busts? Yes. Where were the busts placed? I do not know. What were the situation of the bed-rooms of Bergami and the Princess at Villa Grande? Bergami's room was situated on an open gallery, and the entrance to the Princess's apartment was on the same gallery. How far were they from each other? About 13 paces. How long did you continue at Villa Grande? About two months. Where did the Princess go to afterwards? To — (the answer was not heard.) Where was the bed-room of Bergami there? Near that of her Royal Highness. Was there any communication between them? Yes. Had the Princess a small cabinet below? Yes. Was there a sofa in that cabinet? Yes. Did you ever see Bergami in that cabinet on the sofa with the Princess? Yes. How was Bergami when on the sofa? He was lying down on the sofa. Where was the Princess and what was she doing? She was sitting on the edge of the sofa. In what position? I do not recollect what she was doing. She was sitting on the corner of the sofa. Did you ever see the Princess in pantaloons? Yes, at Pesaro. Was Bergami present? Yes, I saw him once. Tell us what passed? Bergami said her Royal Highness looked better so. Tell us all that was said? Bergami turned to her Royal Highness and said, "O, how pretty you are, I like you much better so." When you saw the Princess in pantaloons, what was the state of her breast? It was uncovered. Do you remember Bergami going from Villa Caprini to Pesaro? Yes. What passed between the Princess and Bergami on that occasion? What I have already described. Tell us what passed? They took each other by the hand, and the Princess said, "*adieu mon cœur, adieu mon chère ami,*" and Bergami said, "*au revoir.*" Did you observe Bergami do any thing else? No. Was there a chest of money at Pesaro? Yes. Who had the key of it? Bergami. At Naples had the Princess any Chaplain in her suite? Prayers were said in her house every Sunday. Was that so at Villa Villani, at Barona, and at Villa d'Este? No. Did you ever see it afterwards? Yes, at Genoa. Did you ever see the Princess go to Church at Genoa? Yes. What did you see her do there? The Princess fell down on her knees by the side of Bergami. Do you recollect the Princess saying any thing about masses? Yes, the Princess said, she would have masses said for the soul of Bergami, the father of Bergami. Did you ever hear the Princess say any thing about the Cassino at Milan? Yes. What was it? Her Royal Highness said that it had been put to the vote whether she should be admitted at or into the Cassino at Milan. What further did she say? She said it had been negatived. Do you remember in the garden at Villa d'Este a chair upon wheels? Yes. Did you ever see the Princess and Bergami do any thing with that chair? I have seen them play with it and push it from them. Who was in the chair? I do not recollect.

The examination of this witness closed about four o'clock; she appeared suffering severely from extreme exhaustion. Adjourned.

## FOURTEENTH DAY.—SEPTEMBER 1.

*Cross-examination of MADAME LOUISA DUMONT, by Mr. WILLIAMS.*

I understand you to have said you have been in England thirteen months? Yes. Have you ever been out of England during these thirteen months? No. I understand you to have said that you do not understand English? I understand English a little; but I can't speak it with ease. Since you have been in England, have you always bore the same name of Louisa Dumont? No: I have had another name. If it is not too troublesome, be so good as to tell us what that other name was? I took the name of the place I came from Columbier. Did you not add a title as well, that of Countess? No. Nor were ever so called by any one? Once I was so called. Then you mean by once one person? I only recollect one person calling me Countess once. Where were you living when this one person called you Countess? In Frith-street, Soho-square. Before that had you lived in Oxford-street? Yes. Will you swear that you did not pass for Countess Columbier? Mr. Cross placed me in the house; I don't know by what title he announced me. Then you swear you were not called Countess in Oxford-street, at least in your presence? I will not swear, but I don't recollect. What name did you pass by—how were you called before?—When? When you lived in Oxford-street? Columbier. How long were you called Columbier? From the time I arrived at Dover in England. I understood witness to have said yesterday, or the day before, that she accompanied the Queen, then Princess of Wales, to Naples? Yes. Do you now recollect whether it was the first or second night after your arrival that the Princess went to the Opera? On the second night after our arrival at Naples the Princess told me she was going to the Opera. Then it was the second night? It was. You described that there were two beds in the apartment of the Princess at Naples, a larger and a smaller bed? Yes. The smaller bed, as I understood you, was a travelling bed—was it so or not? As far as I can recollect, it was the travelling bed of the Princess. You mean the smaller bed? Yes. You have said, that on the morning after the Princess was at the Opera, the larger bed had the appearance of two persons having slept in it—was that so? I said that the bed looked as if two persons had slept in it. I beg to know what you mean by saying in a previous part of the examination, when you said that you had observed the large bed, you perceived it had been occupied, but you could say no more about it? I understand that I was asked to say in what condition the bed was, if much deranged. Did she not understand that she was to describe particularly the derangement of the bed? I did not understand that I was to explain it particularly, but I could explain it particularly at present. You gave some account how the family slept at Naples. I beg to know the different rooms, and where Hieronymous slept? The door of Hieronymous's room was in the corridor in which was the door of her Royal Highness's room. Ask her whether Sir Wil-

liam Gell and Mr. Keppel Craven had not their servants sleeping there at the same time? I saw them during the day time, but I do not know if they slept in the same house. Both of them had, however, men servants at that time? Each of them had one servant. You mean to swear that you do not know where either of them slept any one night during their stay at Naples? I will not swear, but I do not remember at all. Where did you sleep yourself? In a small apartment above her Royal Highness. Did you sleep alone in that room? She had two rooms, in one I slept, and Annette — in another. That is not an answer, did you sleep alone in that room? I slept alone in that room. If I recollect aright the witness said, that one night she saw Bergami coming out of his own room undressed, at Naples, is it so? Yes. How soon after your arrival at Naples, as nearly as you can recollect? It is impossible for me to say; I do not recollect. I do not ask you precisely, or exactly, but as nearly as you can remember? We were four months at Naples; I cannot recollect precisely. Cannot you say within a month? I cannot recollect to one month or two. You only know it was one night at Naples? Yes. You have said you saw Bergami coming out of his room undressed? Yes. Now, pray tell me in what position were you when you saw him first on that occasion? I was standing at the door on one side. You speak of a corridor leading from Bergami's room to the room of the Princess? Yes; I was standing at the door. Bergami's room was at the other end of the corridor? Not quite at the bottom. Was there not a staircase by which you went to your own apartment? There was a staircase which led to a door. Had you a light, or had Bergami a light? Bergami had a candle. Had you any? No, because I was on the point of going. Where? I was on the point of going out. But where? I was waiting for her Royal Highness to give me leave to go, as she did every night. But where? To my own room. What! without a light? I had no light. You have said that you escaped through the room of her Royal Highness, did you or did you not do so? Yes; I went by this door (pointing with her finger) as he was coming that way. I ask you whether, in going through that door, you had occasion to go nearer to Bergami? I went down some steps. I ask whether, when you made your escape as you have described several times by means of that door, you did not get nearer to Bergami in so doing? Yes. Did Bergami come forward or run back, or what? I saw Bergami coming towards me. Then he was coming to meet you? I did not see that, because I went out precipitately. Then how did you see him coming towards you? Because I saw him coming in the direction towards me. About the fete or opera, or whatever it was, I believe at that time the King of Naples lent a house or palace to the Princess, was that the case? Yes. I am speaking of that night when you said the Princess sustained the part of the Genius of History? Yes. I beg to know whether the King or the Queen of Naples was not there? I saw the Queen of Naples in the room, but not the King; I heard she was indisposed, and obliged to leave the room at an early

hour. Were the ladies of the Court present on that occasion? I saw several ladies in the room, but I do not know whence they came. Was there not also a considerable number of the nobility and gentry present? I saw a great number of ladies and gentlemen in the room. I beg to know whether two other ladies did not sustain corresponding characters at the time her Royal Highness appeared as the Genius of History? When her Royal Highness went down dressed in that character I did not go down, but I remained in the room above. Then you yourself did not see the representation of the piece exhibited, whatever it was? I was not present at the representation. Was there any other lady dressed up representing Victory? I do not recollect any other lady, there were several costumes, but I do not recollect any other lady. Were not those costumes used on that occasion, in which the Princess appeared as the Genius of History? I saw different costumes during the same evening. Did you see one representing Fame that evening? I do not recollect. I saw several costumes, but I made no observation. Nevertheless, when the Princess was dressed up in the way you have described as the Genius of History, she went into that room in which the Neapolitans, male and female, were? I only saw the Princess go down; I only saw her on the staircase descending. Was that leading towards the room in which the Neapolitans were; have you any doubt that she went to that room? The Princess, I believe, was going to appear among them. I wish to call your attention to the journey by land to Jerusalem, and to know from you whether or not the Princess travelled on horseback? Yes,—that is to say, as far as I recollect, she was on an ass. Did not you travel in some kind of carriage? Yes. Did the Countess of Oldi? Yes. Did you travel behind the Princess? Sometimes before, sometimes behind. Did you not on that journey continue to attend the Countess Oldi? I did not wait on the Countess Oldi. Did you not continue to be with her, whether waiting or not? I always was in the same palanquin with her. Did not you after attend on the Princess during that journey? My sister was always on horseback near the Princess. Did the Princess and your sister continue to go on horseback, and you and the Countess Oldi in a carriage, the whole of that journey? Yes. I ask you, whether your sister was constantly near the Princess on that journey? When we stopped, I myself was sometimes with her Royal Highness. I ask whether on that journey you yourself waited upon the Princess? Yes. Did not your sister wait upon her? Yes. During that journey did not the Princess rest by day and travel by night? She rested during the day. And travelled during the night? Yes. You have described her Royal Highness as having stopped at Aum? Yes. Do you or do you not mean to say, that you undressed the Princess at Aum? I was under the Princess's tent there, but I do not recollect whether I undressed her or not. Do you mean to say, that the Princess was undressed at Aum? She had pulled off her upper dress. Do you mean the dress in which she had been travelling. You mean her outer dress? Yes. Do you know if the dress of the Princess was in any other way.

altered, except the exterior habiliment which you have described? I do not recollect. When her Royal Highness had taken off the exterior habiliment you have described, did she put on any other to go to bed in? When I left her she had on only a white petticoat, what she afterwards put on I do not know. Did her Royal Highness at any other time stop in the day during her journey to Jerusalem? Yes. Did you attend her on that occasion? I helped her to dress. I wish to know from you now, whether on the occasion of that second time her Royal Highness stopped from travelling, she undressed? I did not see her Royal Highness when we arrived; I only saw her towards the evening. When you saw her in the evening, was she dressed or undressed? When I entered the room, she was dressed in the white petticoat, which I have already mentioned. When the Princess was about to start, to continue her journey, had she any thing more to do to her dress than to put on the exterior habiliment you have before mentioned? I do not think she had any thing else to put on. You have described, I think, your taking ship at Tunis in going to Jerusalem? Yes, I said at Tunis; we embarked there in the same vessel to go on. You went on to Tunis? Yes, I believe the crew consisted of about twenty-two or twenty-three persons, was it so? Yes. I believe it was thereabouts. And then besides the crew, there were about ten or twelve persons of the suite of the Princess? I believe, nearly so. Do you remember taking on board at Tunis, a harper, who was a Jew? Yes. On that occasion, we have been told, the extremity of the ship's cabin was occupied by the Princess and the Countess Oldi, was that so? There were two cabins, one for the Princess and the other for the Countess Oldi. And where did you sleep? In a cabin near the dining-cabin. Did your cabin open into the dining-cabin? It opened into the passage. Into what passage? A passage which went all along the vessel. Where did Hieronymus sleep during that voyage? In another cabin in the same direction as mine. When the crew went off deck, I suppose they went into the hold; did not they live in the hold? I do not know where they lodged. Do you know where the harper lodged during the voyage? I do not recollect exactly where he slept; but I believe it was near the table where we dined. I understand you to have spoken, a short time back, of a place named Charinetz, did you so? Yes. You said Bergami went from thence to get a passport? I recollect Bergami went from that place, and I understood he went to Inspruck to get a passport. Was it on a winter evening? As far as I recollect, it was in the spring; in the month of March. What sort of weather was it? I recollect there was a good deal of snow. It was a very poor inn, I believe? It was a small inn. If I understand you rightly, you lay on a bed in the same room with the Princess? Yes. Had you taken off your clothes? Not entirely. Had you taken off any thing more than your gown? I do not perfectly remember, but I believe I had not. Was the Princess undressed? She was in bed, but I do not recollect if she was undressed. Do you recollect the dress the Princess was in the habit of wearing at that time? Yes. Was it not a blue habit,

trimmed with fur close up to the neck, with a good deal of fur about it? Yes, there was a great deal of fur about the neck, bosom and cuffs. What had the Princess on her head? A travelling cap. I want to know whether the Princess had not lain herself on her bed in the middle of the day? Yes. Do you mean to say that after the time when her Royal Highness lay down on the bed in the middle of the day, she undressed herself at all? I saw her Royal Highness lying on the bed during the day in the same habit. Did you see her Royal Highness take it off at all? I do not recollect having seen her take it off. You say you lay on a bed in the same room with her Royal Highness? Yes. Did I understand you rightly, that you entered into the service of the Princess in the year 1814? Yes. And remained until 1817? Yes. Until the month of November, or thereabouts, in that year? Yes. Did you quit the Princess's service of your own accord, or were you discharged? I was discharged. Were you not discharged for saying something which you afterwards admitted to be false? Yes; in fact it was not true. Did you go into any other service after you were discharged from the Princess before you came to England? No; because I had money in Switzerland, and I might have got it if I had been in want of it. Did you never say that you were getting short of money? I do not recollect ever saying so; I have funds in Switzerland, and I live on the interest. I believe you were applied to by some person or other very soon after you were discharged, were you not? Not very soon after. I do not know what you call soon, I will say within half-a-year? It was more than six months; I had been out of service nearly one year; it was nearly one year since I left that service. You say that you were applied to—do I understand you to say that you were applied to, to know what you had to say with respect to the Princess? One year after I had left her service. Does the witness say yes? Yes; one year after. Do you mean to represent that an application was not made to you much earlier than a year after you had been discharged from the service of the Princess? There was not. Is it or is it not true that an application was made to you within half-a-year of your quitting the Princess? No application was made to me earlier than one year after I had left the Princess, neither by personal application nor letter. Or in any other manner? As I know what it is about may I be at liberty to explain—(A sensation was expressed in the House, accompanied with an order to have the questions and answers read over again.)

They were accordingly read.

Mr. WILLIAMS—First let me have an answer to my question, and then, if you require an explanation, it cannot be refused.

(Witness here said something to the Interpreter for the Bill, which he did not seem to understand. Mr. Brougham asked if he could translate it? He answered "No." Mr. B. then asked the Queen's Interpreter, and he said, "Yes." The latter was then put to the front of the bar, and desired to speak.—During this time a loud buzz and murmur prevailed through the House.)

The *Interpreter*.—Witness says that six months after she left the service of her Royal Highness, she wrote to her sister to say, that an application was made to her, but that it was a *double entendre* between her and her sister.

Mr. BROUGHAM (with energy to the *Interpreter*, who had continued in his place)—Get down, Sir.

The *SOLICITOR-GENERAL*.—Why?

Mr. BROUGHAM, (with increased energy).—"Because, Mr. *Solicitor-General*, I have a right to have my own *Interpreter*."—(Loud cries of "Order, order.")

The *LORD CHANCELLOR*.—If you wish to have your own *Interpreter*, the other *Interpreter* must be near enough to hear what the witness says.

The witness then proceeded to state, that she did not recollect having ever said that the Princess was surrounded by spies, that she knew Baron Ompteda when on a visit to Villa Villani, and two other places; remembers a complaint, but does not recollect that it was about breaking locks; she did not take any part in it.

Being asked if she did not write a challenge to Baron Ompteda for Mr. Hannam, or any other letter, witness said she did not remember.

A paper was then produced, and partly shewn to her. Being asked if it were her hand-writing, she answered it was not exactly like. To a variety of questions from the same point, she returned the same answer, namely, that it was not exactly like her hand-writing.

The *LORD CHANCELLOR*.—These papers ought to be marked as they are alluded to.

Lord DONOUGHMORE said, it would be an exceptionable proceeding to mark the paper, as the witness had not been permitted to see and identify the whole of it to be her hand-writing.

The *LORD CHANCELLOR* said the marking of the paper by the Clerk could by no means be a prejudicial proceeding, inasmuch as it was merely to identify it as the paper produced.

Earl GREY desired the paper to be shewn to her lengthways.

Witness immediately rose, and without returning an answer, left the House of her own accord, but returned in about ten minutes.

When the witness returned, the cross-examination continued.

Mr. WILLIAMS read from his brief various passages alluding to the Queen, in the most extravagant terms of panegyric, and interrogated the witness, whether she had written to that effect, or in those terms, speaking of her Royal Highness to her sister, and whether she had not recorded her opinion of the Queen, in the most enthusiastic language, in a Journal which she kept, and which had afterwards been purloined (*arrache*) from her. The general replies of the witness to these interrogatories were—that she had written to her sister, and that she might have written in the manner mentioned, as, at the time, she was much attached to her Royal Highness; but she would not swear that she had, nor would she swear she had not; she did not recollect the precise expressions she might have used.



Mr. WILLIAMS then read from a letter to her sister the following passage:

"On the 24th of last month I was taking some refreshments at La Claire's, where I was informed that an unknown person desired to deliver a letter to me, and that he would trust it to no one but myself. I went down stairs and desired him to come up into my room. What was my astonishment on breaking the seal, to find it contained a proposal made to me, to set off under the pretence of my being the governess. I was promised high protection and a brilliant fortune in a short time, and to convince me of the truth I might draw on a banker immediately for a large sum of money."

The Lord Chief Justice ASHURTON, on the behalf of all the Judges, determined that all examinations relative to a document not produced to the witness were not evidence, for this reason that the documents should be produced in all cases; and the whole might then be found to counteract the effect that the part read was expected to produce.

Lord DONOUGHMORE said, this was a subject of great weight and importance, and he felt it his duty again to state his objections.—There was but one way of getting out of the difficulty. The opinion of the Judges went to affect the regularity of their whole proceedings, and if the House were to persevere in the course it had taken, the whole that had been placed on the Journals affecting this point must be struck out. It was also unjust, that it should go forth to the public. It might no doubt be important to the defence to discredit a witness as soon as soon as possible, but it was their Lordships' duty to prevent that being done irregularly. He should therefore move in addition to the communication made by the Counsel, that the whole matter should be expunged from their minutes.

Lord LAUDERDALE observed that it was impossible to strike out what had already been entered without first hearing Counsel upon the point.

Lord ERSKINE said that no objection had been made to the examination when it commenced. If the whole were to be struck out they must go back and strike out other parts of the evidence to a much greater extent than their Lordships were aware of. In fact it would be necessary to revise the whole minutes.

The Lord CHANCELLOR said that the question for striking out must be debated, with a full statement of the whole examination, which was to be so struck out, and in that case it would be better to adjourn. It was a most important and serious question.

Lord GRENVILLE thought the House ought to wait before it proceeded to consider of expunging any part of the evidence till some application was made by Counsel for that purpose.

Lord DONOUGHMORE said, he was not the first in that House who was responsible for their Lordships' proceedings. He was but one simple Lord amongst many (a smile.) He objected to the examination appearing, and going forth, the Judges having declared it irregular. He concluded with withdrawing his motion.

Counsel were then called in, and as soon they appeared at the bar.

The LORD CHANCELLOR communicated to them, that they were not to be allowed to represent a particular part of the statement of the witness, or to enquire into its contents, unless the witness has been first shewn the letter or statement, and admitted it to be her hand-writing, but they would allow a part or parts to be shewn to her, and to be asked whether they were her hand-writing, and if they were not, she was not to be questioned as to their contents.

The witness, *Madame Dumont*, was then called in, and the cross-examination was continued by Mr. Williams.

Is that your hand-writing? (shewing her one side of a letter.)—Yes. Is that your hand-writing also? (shewing her another side of the letter.) Yes, to the end. Is that your hand-writing? (shewing another letter to the witness.) Yes, the whole of that.—Ask her whether or not——

The SOLICITOR-GENERAL objected to this form of putting the question.

Mr. WILLIAMS then put it differently.

The ATTORNEY-GENERAL understood that it was now the object to inquire into the contents of the letters, and he objected, maintaining that the letters must speak for themselves.

Mr. WILLIAMS rose to answer the objection. His Learned friend had certainly made a very short objection, but if he understood it, a more important one to the administration of justice was not introduced since the beginning of law. He was disposed to pay the utmost deference to the great legal authorities of the country, but he should feel ashamed of himself, if, in so important a case, he did not fully and manfully state, what he conceived to be the true rule upon the subject. It was one of practice rather than written authority. If there were any written authority it would have been kind to produce it, but in the absence of any, he would take it that there was none. What must be the immediate and necessary consequence. Upon what rule was the letter admitted unless as a contradiction:—As he had understood the practice, when a letter was produced denying the truth of evidence, the contents of that letter must be enquired into. Why was he to wait till a more distant period of the trial, before he brought out facts which might be proved immediately; or how was the contradiction itself to be produced, if such a restraint was to be imposed upon him? The letter was admissible only as a contradiction, and he recollected a case lately tried before Baron Wood, in which the omission on his part to produce a letter, until after the cross-examination, was ruled to be a bar to its admissibility at all. So was the rule in parole evidence, and it was not the tenor of what a man said, but his words which constituted the evidence. With the same rule therefore, and by clear analogy he submitted, that if he suffered now this woman to escape without having asked her as to the contents of this letter; the letter itself being no evidence, except as a contradiction, it would hereafter be objected, and with irresistible force, that he had lost his opportunity, and was shut out from any further examination. He declared to God, he could not understand such a rule as had been laid down by the other side.

Mr. BAUGHAM argued, that as a matter of expediency, it was better that the letters should be produced to the witness, and questions put upon them. Suppose the letters contained an apparent contradiction; the witness might himself, by a short explanation, be able to reconcile the difference for *you constat* that it was any contradiction at all. The witness might only, perhaps, be put upon his guard by the mention of a letter; it might be necessary to do no more, the mere hint of a letter might make the witness to remove what might otherwise be a stain upon his evidence. He contended, that at least all common sense was in favour of the point he was labouring for, and if the House fixed a new rule of evidence round the necks of the Queen's Counsel, their Lordships might hold their bodies but their reason was still their own.

The ATTORNEY-GENERAL was then heard in reply, admitting that the letters of a party in a cause were unquestionably to be taken as evidence against him, but with a person who was merely a witness, it was different. If a Counsel in cross-examining a witness, was in possession of a parole declaration, contradictory of the witness, the individual who could establish that declaration, must be called. The same rule applied in the case of a written declaration; if a witness swear any thing in contradiction to what appeared in a letter of his own, that letter must be produced and read, not necessarily while the witness was in the box, but at the proper period of the opposite Counsel's case.—As to the injustice done to the witness in this particular case, if the letters really contained a contradiction, it would be seen on the reading, and then she might be called by the promoters of the Bill, to give an explanation regarding it. A written document must speak for itself, and no account or explanation of it could be given verbally, unless the original papers were laid before the House.

Lord ERSKINE recommended, that the letters should be produced by the Counsel for her Majesty, that they should be used for the purpose of cross-examination, and subsequently read as a part of their case. Whatever he might be disposed to feel, had this been a proceeding in a Court of Law, he now thought this case so anomalous, that it could not be governed by any of the ordinary precedents. The witness might perhaps be able to reconcile the contradiction.

The Lord CHANCELLOR then drew up a question to be put to the Judges—first, whether Counsel could cross-examine a witness without producing any letter or paper he might possess to contradict him; and secondly, in what stage of the proceedings in Courts below such a letter or paper ought to be read.

The Judges retired for five minutes, and returned with their decision that the letter must be produced as a part of the case of the party producing it, though the reading might be postponed until the party producing it opened his case. If questions were founded upon it, the letter must be read to the witness.

A rule was accordingly drawn up to this effect, and Counsel were informed of it by the Lord Chancellor.

Mr. BROUGHAM referred the House to the Duchess of Kingston's case, where a letter had been produced by the defendant to contradict a witness without its being taken to be part of the defendant's case.

*Madame Dumont* was then called back again, and interrogated by Mr. Williams. She repeated that she had been thirteen months in England, arriving in July, last year; and, that she came over with her sister, Mr. Cross her friend, and Sacchini. She came from Switzerland, and had not been at Vienna since she was there with the Princess. Have you been at Milan since? Yes, once. Were you examined there? Yes. How many examined you: was Vilmarcati the Counsellor one? Yes, Vilmarcati, and three others. But no other lawyer? There was the Advocate Vilmarcati, three other gentlemen, and those who wrote, but I do not know if they were advocates. Was Mr. Powell there? Yes. And Colonel Brown? Yes. You were examined more than once, were you not? I was examined only at Milan. Any where else? Only at Milan. How long since? A year last February. Where did you go from to be examined at Milan? From Switzerland. Were you living at your own home, and not in service then? I lived at home. Now tell me have you finally agreed what you are to receive for your evidence? They have promised me nothing. Did you not ask for any thing, nor for any promise of any thing before you came to this country? No. Or for any thing for your personal presence? No, I have only demanded that they should pay the expenses of journey. Do you mean to swear that you expect nothing for coming to this country and giving your evidence? I expect nothing at all. No benefit nor any profit of any kind, you mean to swear? I expect no profit for coming here. Do you not believe upon your oath, that you are to receive money or benefit of some kind, for coming to England? I expect no advantage from coming here, only that they should pay my expenses, nothing more. And that is all you expect? Yes, it is what I expect. And that is all you believe, you are to expect? I expect nothing else. And you believe, that you will have nothing else? Nothing more. I think you said, you had never been in service since you quitted the Princess of Wales? I have been in no other service. The letters of the witness was then handed to the Interpreter, and Lord Liverpool suggested that they should be read, first in French and then in English.

The SOLICITOR-GENERAL observed, that according to the rule laid down, the Queen's Counsel must put questions to *Madame Dumont* upon them.

Mr. WILLIAMS consented, provided he were not bound to occupy a certain quantity of time.

This observation gave rise to a conversation between the Counsel, as to whether the questions should be merely put *pro forma*.

Mr. BROUGHAM denied that such was his intention, and after a few words from Lord Donoughmore, on the fitness of acting towards the House with good faith.

The LORD CHANCELLOR suggested, that as it was late, it

it might be better to postpone the reading of the letters till to-morrow.

Mr. BROUGHAM added, that the letters were long, and that it might be better to postpone the reading of them, that the witness might not have access to them, to prepare herself before the questions were put to her.—Adjourned at ten minutes before five o'clock.

## FIFTEENTH DAY—SEPTEMBER 2.

The LORD CHANCELLOR submitted to their Lordships, that it would be better for him to read to them, after the Counsel had been called in, the case of the Duchess of Kingston, which was cited by Mr. Brougham yesterday after the decision of the Judges had taken place in the points submitted to them, that the contents of a letter could not be read to a witness in Cross-examination without that letter being produced.

The Counsel and Agents for and against the Bill were called in.

The LORD CHANCELLOR, said, that the Queen's Counsel (Mr. Brougham) having cited the case of the Duchess of Kingston, and having very properly recommended to the consideration of the House, as one likely to guide them in the decision of the question of yesterday, his Lordship and the Judges had given their mature deliberation to that case, and he was ready to state the result for which reason he desired them to attend. They had felt it to be their duty, to examine both the printed trial and the Journals of the House. The Duchess of Kingston had been indicted for bigamy.—(Here his Lordship read the charge as it appeared in evidence, and having gone through as much of the evidence as appeared to make the charge good, he turned to the cross-examination of one of the chief witnesses, Judith Phillips, whose husband had been steward to the Duke of Kingston. This Cross-examination went to prove that a coolness had existed between the Duke and Mr. Phillips, and also that Mr. Phillips was discharged. In reference to the latter circumstance, Mr. Wallace, whom the Lord Chancellor eulogised as a lawyer of great eminence and of unusual skill in the rules of evidence, produced letters which had passed between Mrs. Phillips and the Duchess, in which the latter is intreated to use her influence to restore Mr. Phillips to the favour of the Duke. Mrs. Phillips acknowledged her letter, which was dated September 1771, Mr. Thurlow, then Attorney General, required the letter to be put in, and afterwards offered to put in letters which had passed between Mr. Phillips and the Duke, then at Newmarket, dated October 1771, from which it appeared that Mr. Phillips had tendered his resignation, and the Duke had accepted it. Now came that which was applicable to the question before the House. It did not appear what became of the letters first produced by Mr. Wallace, as there was no further mention of them in the course of the trial, no notice whatever was taken of them in the defence, no witness was then called to prove

the statements contained in them, nor to contradict Mrs. Phillips, Lord Loughborough, then Solicitor-General, seemed to have recollected nothing about them, or to have considered the evidence so clear as to have left the matter of them entirely unnoticed. From what he stated he proceeded to infer the rule of law; what would have been the consequences of reading the letters did not appear. The case went neither to establish nor destroy the opinion given by the Judges. After hearing the objection of the Attorney-General to the reading of them, the house had directed Mr. Wallace to proceed in his defence.

LORD ERSKINE said that the letters ought to be put in and read. He was clearly of the same opinion with the Judges, and it was so consistent with the knowledge and long experience which he had of the rules and practice of evidence, that, had the Judges given a contrary opinion he would have brought the matter to fresh argument upon every one of the exceptions he could raise.

THE LORD CHANCELLOR said it appeared to him unquestionably that the laws as laid down by the learned Judges was correct; and it also appeared that the Journals of the House confirmed the opinion of the Judges, as it would seem that all the conversation about the letters referred to, had taken place without the bar, no description of their contents appearing on their Journals.

LORD REDESDALE expressed the same opinion as the Lord Chancellor.

MR. BROUGHAM put some questions to the Lord Chancellor, about the manner in which he might be allowed to produce the letters, to which

THE LORD CHANCELLOR replied, that they must be given in before they could be used in evidence.

*Cross-examination of MADAME LOUISA DUMONT resumed by Mr. WILLIAMS.*

If I understand you rightly, yesterday you said you were examined only once at Milan before coming to England? I was examined only once at Milan, but they were examining me several days. You were several days under examination? Yes. Were these several days successive days, or were they at different times? They were following days. Then it was only one examination? Yes, at Milan. Have you not been examined since you came to England? I have not been examined—I was sworn once but not examined. When were you sworn? About two months ago. By whom? It was by a Magistrate whom I do not know. Where was it, who was the Magistrate? I do not know the Magistrate, it was at the house of Mr. Powell. Was it on the subject of the evidence you have been giving in this Court? Yes. Then there was an examination in writing: the paper which contained your deposition was produced? I saw my own paper. Was it not there? Yes, I saw it there. Was it not the same paper that the deposition was written on at Milan? I do not know whether it was the same paper. It was your deposi-

tion, I suppose, that you had signed? I had signed one before, but I do not know whether that was the same. Well, did you not sign that paper to which you say you were sworn? I saw a paper, but I do not know whether I signed it. You heard the contents of the paper read to you? I did not hear the contents read. But you saw the paper? Yes. Did not that paper contain the evidence you have given in this paper? Yes. And it was to that you were sworn before the Magistrate? Yes. Mr. Powell was the gentleman who examined you to the paper at Milan? Yes. Did Mr. Powell examine you at any time in England? No. Has he not seen you since he came to England? He has. Has he not frequently seen you? He has not frequently seen me. Let us understand what you mean by frequently; has he not seen you a dozen times? Yes; above a dozen. During the visits he paid you, did not all the conversation turn upon the evidence you were to give more or less? I can't say, because I don't recollect. I suppose at the time you were sworn in England there was a book which you kissed? There was. You were regularly sworn, were you not, to the truth of the deposition you have made? Yes.

Mr. BROUGHAM here interposed, and begged to put it to their Lordships whether the disclosures already made ought not to vitiate the whole of witness's evidence. It appeared that she had been brought before a Magistrate, and there sworn, through the activity and zeal of the Attorney on the other side, and this after the proceedings in the case had been commenced before their Lordships. It was for their Lordships' consideration, whether they were not called upon to interfere in consequence of the influence which has been exercised over the witness, and of the most outrageous proceeding which she had described.

Mr. WILLIAMS also reminded their Lordships of the manifest danger that was likely to arise from that which had been stated by the witness, if suffered to go on. Every witness coming into a Court of Justice was sworn to tell the truth on both sides; but would not a witness be tied down, and fettered by an oath administered to her in the manner described, so as to prevent the exercise of her conscience, which ought always to be free.

The Lord CHANCELLOR stated, that according to his opinion, and he did not entertain the slightest doubt, that the proceeding did not affect the competency of the witness, it went to her credibility. The observations which had been made were such as should have been reserved until after the cross-examination.

The SOLICITOR-GENERAL was then about to address their Lordships, but was interrupted by the Lord Chancellor, who said, that their Lordships had not at present before them matter even to form an accurate judgment of the circumstances under which the step complained of had taken place.

The witness was again called in.

*Examined by Mr. WILLIAMS.*

I understand you say, that, with the exception to which you have

alluded at Milan, you have not been examined; that you have not been examined at all, since you came here? No.

Mr. WILLIAMS—Now, my Lords, with your Lordships permission we propose to read two letters.—With respect to the third as it does not occur to us that it contains any thing that requires immediate cross-examination, we do not intend reading it at this time.

The Lord CHANCELLOR—You propose to read this letter under the rule laid down by the House.

Mr. WILLIAMS—Certainly, my Lord.

The Lord CHANCELLOR—Is there any objection to the letters being first read in French, and afterwards in English to the witness by the Interpreter.

Mr. BROUGHAM said, they proposed that the Interpreter should first read them in French—that then they should be translated into English by the same Interpreter; the original letter being looked over at the same time by the other Interpreter, to correct any errors that might occur.

This proposition was acceded to, and her Majesty's Interpreter proceeded to read in the original, the first letter which had given rise to the discussion of yesterday.

The Interpreter was interrupted during the reading of the letter by the witness, who said that the passage he was now about to read related to private business of the gentleman whose name was mentioned (but we forbear to report it,) and she therefore begged the House would not require it to be read.

Mr. BROUGHAM said, he had no desire to have any thing read that had not a relation to the case.

The Lord CHANCELLOR—The Interpreter need not read the name of the person. When you (addressing the Interpreter) come to a name you will hear what the Counsel say before you read it.

Lord FALMOUTH suggested, that as the name had been distinctly heard below the bar, the Reporters should be directed not to report it.

The Lord CHANCELLOR said, that strictly speaking, no person had a right to be below the bar at all, and they could not be allowed to be there if they did not attend to that which the House itself did.

The Interpreter continued the reading until he came to another name, which he pronounced aloud.

The Lord CHANCELLOR—You have not attended to what you were told—when you come to a name you should stop, till you hear what the Counsel on both sides say to it.

The reading of the letters in the original being concluded.

Mr. BROUGHAM proposed, that the two Interpreters should take, one the originals, and the other the translation, and see if they agreed.

The Lord CHANCELLOR directed the Interpreters to compare the originals with the translation, and inform the House if they were agreed in the translation, and during that time the witness might be allowed a chair.

Lord KENYON said, that he did not know what other Noble Lords,



more accustomed to the language, might have understood from the reading of the originals; but he had not been able to collect sufficient of the sense to satisfy his mind without the translation was also read.

The Lord CHANCELLOR said, that undoubtedly if any Peer wished the translation to be read, he was entitled to have it.

*Letter from Mademoiselle Dumont, to the Queen.*

“ Rimini, Nov. 16, 1817.

“ It is on my knees that I write to my generous benefactress, beseeching her to pardon my boldness, but I cannot resist my feelings; besides I am convinced, that if her Royal Highness knew the frightful state into which I am plunged, she would not be offended with my temerity. My spirits cannot support my misfortunes; I am overwhelmed by it, and I am more than persuaded I shall sink under it. I feel a dreadful weakness; a mortal inquietude consumes me internally, and I do not feel one moment of tranquillity. A crowd of reflections on the past goodness of her Royal Highness, and on my apparent ingratitude, overwhelm me. May her Royal Highness deign to take pity on me; may she deign to restore me her precious favour, which I have unhappily lost by the most deadly imprudence. May I receive that soft assurance, before I die of grief—she alone can restore me to life.

“ I dare again to conjure, to supplicate, the clemency and compassion of her Royal Highness, that she will grant me the extreme favor of destroying those two fatal letters. To know that they are in the hands of her Royal Highness, and that they will constantly bear testimony against my past conduct, kills me. The aversion which I have merited on the part of her Royal Highness, instead of diminishing, would be increased by reading them. I permit myself to assure her Royal Highness, that it is only the granting of these two favors which can preserve my life, and restore to me that repose which I have lost. My fault, it is true, is very great, and irreparable; but love is blind; how many faults has he not caused even the greatest of men to commit! I dare flatter myself this is a strong reason why her Royal Highness should condescend to grant me the two favors which I take the liberty of asking of her.

“ I allow myself to recommend to the favor and protection of her Royal Highness, my sister, Mariette, and also her who is in Switzerland. Her Royal Highness gave me to understand that perhaps she might be allowed to supply my place; the hope of this alleviated my distress. It would be an act of charity, for my sisters to have only moderate fortunes; and in our small poor country they are not to be acquired. I am certain her Royal Highness would have no cause to repent her great goodness and extreme kindness towards a young girl, who has always gained the esteem and friendship of all to whom she has been personally known.

“ I cannot sufficiently thank her Royal Highness and the Baron for their kindness, in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable. I know not how to acknowledge so many benefits; but I will endeavour, by my future conduct, to meet them, and to regain the favorable opinion which her Royal Highness entertained for me during the days of my good fortune.

“ It is with sentiments of the most entire submission, and the most perfect devotion, that I have the honor to be, your Royal Highness's most obedient servant,

LOUISA DUMONT.

*Letter from Mademoiselle Dumont to her Sister Mariette.*

“ Dear and good Mariette,

February 8, 1818.

“ Although you have not said four words in your last letter, yet I love you too well not to pardon you for it; it is with real pleasure that I reply to you. I hope, my dear Sister, you are perfectly happy; but I ought not to doubt

it, so well as I know the extreme goodness of her Royal Highness, and of all those with whom you have any thing to do. Endeavour always to deserve such kindness, by continuing the same way of life which has procured it for you, that experience may not be useless to you. Keep always before your eyes the trouble which arises from rashness and inconsistency—you have lately had sufficient proofs of that.

"You will, no doubt, be very desirous of knowing what is my situation, in our little country. I assure you, my dear, I have been received in such a manner, you would have no idea of. I have been every day sought after and received with the greatest cordiality at Lausanne, at Morger, at Cassonay. I passed a whole month at the last town, where every possible amusement was procured for me. You know how fond I am of sledge riding. Well, every day we made a party for it. At the beginning of the new year we had a delightful masked ball; last week two more—the best that have been seen in this town, and a number of other evening parties, given by a friend of mine; in short every day brought some new invitation. Conceive to yourself how, in the midst of all these numberless pleasures, I was sad and silent; every one quizzed me on my indifference. I, who used to be so gay before my departure—I was not insensible of my dullness; but in spite of all my endeavours, could not get the better of it. Can you not, my dear, divine the cause of all my sadness? Alas! was it not the regret of having quitted her Royal Highness, and of knowing that she suspected my character, and taxed me with ingratitude? Oh, God! I would surrender half my life, could she but read my heart; she would then be convinced of the infinite respect, the unlimited attachment, and the perfect affection I have always entertained for her august person. I should have wished, my dear Mariette, to have written to the Count, to thank him for the kindness he has shewn me; but I was afraid to trouble him. Tell him, one line, if he would have the goodness to write to me, would afford me a little tranquillity, since it would make me hope for pardon.

"I was afraid her Royal Highness would be displeased at the course I have taken in my journey; judge then of my happiness, when I learnt that she was not at all angry at it; but on the contrary gave me leave to take it. In truth, this pretence has been very useful to me; for you are sufficiently acquainted with the world to suspect that I have been assailed with questions particularly by *Cesar Rolles*, for I am not vain enough to think that I have been sought after on account of my beautiful eyes, and that a little curiosity has had no part in the desire to see me. Ah! Why was not her Royal Highness at my side? She would then have found if I were ungrateful. How often in a numerous circle have I with enthusiasm enumerated her great qualities, her rare talents, her mildness, her patience, her charity—in short, all the perfections which she possesses in so eminent a degree! How often have I seen my hearers affected, and heard them exclaim, that the world is unjust to cause so much unhappiness to one who deserves it so little, and who is so worthy of being happy! You cannot think, Mariette, what a noise my little Journal has made? it has been, if I may use the expression, snatched at. Every one has read it, — begged me to let her carry it to Lausanne; all the English who were there wanted to see it immediately. I have been delighted at it; for you know I say in it a great deal of the best and most amiable Princess in the world. I relate in detail all the traits of sensibility and generosity which she has shewn, the manner in which she has been received, applauded, cherished, in all the places we have visited. You know that where the Princess is my subject, I am not barren; consequently my Journal is embellished with the effusions of my heart; my greatest desire always having been, that the Princess should appear to be what she really is, and that full justice should be rendered to her. I assure you that, although distant, it is not less my desire; and that I shall always endeavour, with zeal, that such may be the case, and as far as my poor capacity will allow. You may judge I shall not make a merit of this, since she will be ignorant of it, and even suspect me of ingratitude; but it will be only to content my heart, which would find a sweet satisfaction in this charming success.

"But I had almost forgotten to decide to you a thing which will surprise

you as much as it has me. The 21<sup>st</sup> of last month I was taking some refreshment at my Aunt's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went down stairs, and desired him to come up into my room. Judge of my astonishment when I broke the seal; a proposal was made for me to set off for London, under the pretence of being a Governess. I was promised high profection and a brilliant fortune in a short time. The letter was without signature; but to assure me of the truth of it, I was informed that I might draw on a banker for as much money as I wished. Can you conceive any thing so singular? Some lines escaped from the pen of the writer discovered to me the cheat, and I did not hesitate to reply in such terms as must have convinced him I was not quite a dupe, notwithstanding all my efforts I could draw no *éclaircissement* from the bearer, he acted with the greatest mystery; you see, my dear, with what promptitude the enemies of our generous benefactress always act. There must be spies continually around her, for so soon had I left Pesaro, than it was known, with all its circumstances, in the capital of Europe. They thought to find me a person revengeful and ambitious, but, thank God, I am exempt from both these failings; and money acquired at the expense of repose and duty would never tempt me, though I should be at the last extremity. The Almighty abandons do one much less those who act agreeable to him: A GOOD REPUTATION IS BETTER THAN A GOLDEN GIRDLE.

"Since I have introduced the subject of money, my dear sister, I must give you some advice—economise as much as possible, retrench every superfluity; did you but know the pain I feel in not having done so! I do not think I ever was guilty of extravagance, but I have not deprived myself of many things which were almost useless. You know that every one here, as elsewhere, fancies the Princess of Wales throws her money out of the window; and supposes me possessed of a large fortune; from a species of self-love, and to prove still more her generosity, I do not try to undeceive any one, consequently though I have great need of money; I don't dare yet to ask my guardian for any. I know how to be moderate; and am at no expense. I have often reflected; that if I had always acted in the same way I should not be in the situation in which I am. Every one should economise as much as possible, one can gain by no other means; profit by the lesson I have just given you, be assured it will be salutary to you; for I speak from experience.

"Mr. — has not sent the packet—I wrote to him at Milan and at Paris; I expect his answer one of these days. If it should be lost, it will be very disagreeable as the cloth cost a great deal; if I had known, it should not have been purchased, as my mother has a good Spencer; and might very well have done without it; I regret the velvet very much; as I want it for my hat; besides we did not get that either for nothing; and three Louis are well worth lamenting, without reckoning the other baubles. Money will not come by whistling for it. A sous here and a sous there; soon make a livre; and 24 livres make a Napoleon. You see I am become an adept in arithmetic—I will answer for it, however, that Mr. — will make all good if he has lost any thing; I shall shew him no favor, and have written to him in such a manner, as sufficiently shows I am not very well satisfied with his negligence.—But, my dear Mariette, I perceive I have almost finished my letter, without speaking of our dear parents; our good mother is tolerably well; though her asthma and complaint in her bowels torment her sometimes; but nothing compared to what she has suffered this summer; my father is very well; Henrietta is always charming; I gave her every day lessons in writing and reading; she shews very well; and — as well; she has already worked several frills for me; and some gowns with which I am very well satisfied, her desire of travelling is the same; pray try to get her a situation, I am convinced she will give you no cause to regret it, she is much altered for the better; she is gay and always in good humour; mild, obliging; in short, of a character to make herself beloved wherever she goes; for she has an excellent heart, and knows how to be contented in all situations, Margaret is entirely amiable, of a pretty figure, and so lively that she makes one half dead with laughing; Louise is very good

teel. I assure you, dear Mariette, they are all changed very much for the better, and I am quite contented with them.

"I have been for this month past in my favourite chamber at Colombier where some repairs have been done; for example, a good chimney, and a small cabinet wherein I sleep. I make little excursions often in our environs, and frequently receive visits which afford me amusement. I think I hear you say, 'Well, dear Louisa, what do you mean to do? Wont you marry? What does Monsieur—— do?' I will tell you, word for word; I every day feel more and more repugnant to marriage. Mr. —— has done all in his power to induce me to accept a heart, which, he says, he has preserved for me these seven years. What heroic constancy, and little worthy of the age in which we live!! I shall not, however, be dazzled by it, and although he be rich, charming, and amiable, I do not wish to retract the refusal I gave him four years ago. If this amuse you, I will tell you I have several other lovers, not less desirable than he. I am very foolish perhaps, to refuse them, for they are infinitely better than I am; perhaps, I may one day repent it; you know the proverb—"He who will not, &c." But I cannot do otherwise. Recent events have created in me a sort of antipathy to men. I can have no connexion, no communication with any of them. I love and cherish sweet liberty alone, and wish to preserve it as long as I can. Dear Mariette, I conjure you, imitate my example; never think of marrying. My mother and I forbid it as long as her Royal Highness shall wish to keep you in her service; you can have no greater happiness, it is impossible: beware of forming any attachment; you are too young; remain free; be assured you will be a thousand times more happy. I do not recommend prudence to you, because I know you too well to distrust you; but although it may be said of me that I would rather die than abandon it for an instant, and deviate from the strict path of virtue, the most precious good we possess; yet I have known some persons suspect my conduct. But I have God and my own conscience for witnesses. Are they not sufficient for my peace? No one can deprive me of that. No; I have nothing to reproach myself with on that head, and you know therefore, I can give you such advice as you should follow, especially as it is also that of our mother.

"Dear Sister—if you dare, place me at the feet of her Royal Highness, beseeching her to accept my humble respect. Do not fail, I entreat you, when she speaks of me, to endeavour to convince her, my repentance is still the same; that I conjure her to restore me to her favor. Tell me, if her Royal Highness is still so enraged against me, and if there is not any appearance of a pardon; but tell me always the truth. Try also, to persuade her Royal Highness that I am, and always shall be, so entirely devoted to her, that no sacrifice I could make for her would appear too grate, and that she may even dispense of my life, which shall for ever be consecrated to her service. Tell the Baron also that I am very sensible of his remembrance, and beg him to accept the assurance of my perfect acknowledgment. Embrace for me the charming Victorine. Repeat also my thanks to the Count, and assure him I shall never forget his kindness. Remember me to the Countess, Madame Livia, and Mr. William, begging them to receive the assurance of my sincere friendship. If I were to tell you all those who send you salutations, I should want two more pages, for every one is interested for you, and they never cease to wish for your happiness. Believe, however, the most sincere wishes are made by us.

"You will tell Mr. Hyronymus, that John is quite well and that Mr. —— is very well pleased with him in all respects. His board is not paid for; and and tell Mr. Hyronymus, on the receipt of this letter, I beg he will immediately send an order to Mr. —— for six months pay, and address it to me. He must not delay, for I have no money. You will not do wrong if you send me, at the same time, the two Napoleons, to make up the twenty-five, if you can. It is I who send you the gown instead of lace; you should trim it with muslin. Make my compliments to Mr. —— and tell him the first time I write again I will give him more particulars respecting his son, because I hope to have more room. I wish very much to know how ink is made with that powder, which he

gave me, and what he has done with the two pictures I sent him at the Villa d'Este? Adieu, dear and good sister; we embrace you cordially. A reply at once, if you please.—Your Sister

f LOUISA DUMONT.

“ A. Mademoiselle.  
Mademoiselle Mariette Bron,  
A Pesaro.”

Mr. WILLIAMS now proceeded to cross-examine the witness as to the contents of these letters.

Who is the Count alluded to in the letter? Count Schiavini.— Was he at that time in the service of the Princess? Yes, he was.— Does your Journal take in the whole time that you were in the service of the Princess without intermission? I do not think it contains the whole time I was in her Royal Highness's service. Does it not contain the greatest part of the time you were with her? Yes. Now, I wish to know who this Madame Olivier is of whom you have spoken in your letters? A Swiss lady. Residing where? At Lausanne. How near to Lausanne do your father and mother reside? Three leagues from Lausanne. Then this Madame Olivier is not a relative of your's but some acquaintance you made at Lausanne. Is that so? Yes; she is not a relative of mine. Where was your aunt Clair when you took refreshment with her? At Columbier. In the same place where your father and mother reside? Yes. Now, in that letter, in which you speak of some refreshment that you took at your aunt's were you there really? I have already said this letter was a double entendre to my sister. Then is it true or not, that a person unknown did desire to deliver you a letter? If I may have permission I will explain every thing respecting that letter. First give me an answer. Is it true or false that a person did desire to give a letter to you and you alone? I once received a letter without a signature. Was that delivered by an unknown person when you were at your aunt Clair's? I do not recollect whether it was at my aunt Clair's. But was a letter sent you at Columbier? Yes. Was it delivered to you at your aunt Clair's? I do not recollect where it was given to me. Did any person unknown to you deliver to you a letter? I recollect I have said I received a letter at Columbier, but I do not know whether at my aunt's I received a letter. It was a letter without signature; but it did not contain what you (the interpreter) have read. Then it is not true, that when at your aunt Clair's you received a letter from an unknown person? I do not recollect receiving it at my aunt Clair's. Did you receive such a letter or no? I have received a letter: but it did not contain such contents as you (the interpreter) have read. Did you receive——? I wish to explain myself. Did you, or did you not, receive a letter, containing a proposition to go to London? I received a letter, which said, that if I would go to London, I should be placed as a Governess if I had a recommendation. Did you add any thing to that answer? No, I wish you to permit me to explain why I wrote that letter. I wish to go back to the time when I was dismissed from her Royal

Highness's Service. The same evening that I was dismissed I was to start the following morning, and Bergami came into my room.

Mr. WILLIAMS—I object to any conversation with Bergami. It is not evidence.

The SOLICITOR-GENERAL.—I submit the witness has a right to explain the cause which led to her writing the letter in question.

The LORD CHANCELLOR—You may go on.

Bergami came into the chamber, and he said that her Royal Highness wished to dismiss my sister also, on my account; I was very sorry for that because my sister not having any fortune at home, could not live at home. I begged M. Bergami to speak to the Princess, in order to keep my sister. He promised me to do so, and at the same time wished me to write a letter to her Royal Highness, because she was inveterate against me, and to recommend my sister to her, and ask her pardon. I wrote the letter at Pesaro the following morning, when I parted with my sister. I wrote to her Royal Highness the letter that has been sent, and I wrote to my sister several other times, always speaking much in favour of her Royal Highness, because I knew they would be intercepted. About the same time I formed the idea of quitting Switzerland. I afterwards received information that if I could set off, and have letters of recommendation, I might be placed here (in England) as a Governess. Being at the time afraid my sister might be dismissed by her Royal Highness, I wrote to my sister but did not write freely, as I knew the letter would be seen; I thought that if dismissed, I would find means of placing her here (meaning England,) and defraying her journey. Her allusion to the Banks meant, that she would take her money and put it at interest here, because they told her by that means she would make double.—Was she not thinking on this letter ever since last evening? I have not passed my time thinking on it, but I reflected on it. What do you mean by saying in your letter, the capital of Europe. Did you mean London? It is so long since I cannot recollect. I mean what was your intention when you wrote? It is impossible to recollect at such a distance of time what I did mean. What did she mean when she mentioned the capital of Europe? I cannot recall to my mind what I meant; I was in the habit of writing in a double sense; sometimes I called Columbièr the capital of Europe. She was then in the habit of calling Columbièr the capital of Europe? Yes, when writing to my friends. In your letter you say you are in want of money; was that true or not? I might have no money at home, but if I wanted it I could have demanded it of my guardian. Was it the truth you did want money that time? I do not recollect whether I had money at home or not—perhaps I had not. Were you supported by your father and mother in Switzerland after leaving the service of the Princess? I paid my mother money for my board. Were you not assisted by any person? I do not recollect that any person lent me money. Did not any person supply you, or give you money? No. Had she another sister besides Mary? Yes. Were you much attached to her? Yes. Did you not wish her to go into the service of the Princess? She wished to travel. Did not the witness wish her

to go into her Royal Highness's service? Yes; because it was the inclination of her sister. What age was her sister then? I do not know precisely, but I believe about 19. What situation did your step-father hold in Switzerland? A farmer. Did he farm his own estate? A small piece of land. Was he in tolerable circumstances? He lived by working farms. You mean by his daily labour? Yes. Did not he live in a cottage? He lived in a small house. What did his family consist of? My mother and two daughters.

Mr. WILLIAMS said he had no further questions to put to the witness at present.

*Re-examined by the SOLICITOR-GENERAL.*

My sister Brunette is still in her Royal Highness's service, and has nothing but what she receives from her Royal Highness. She is my sister by the mother's side only. I was dismissed by her Royal Highness, because she had been told, that I had informed M. Sachi, that her Royal Highness was in love with him. *Aime* has two senses, *love* and *like*.—I explained to her Royal Highness that I meant *like* not *love*. I was dismissed because her Royal Highness thought I meant love; but I did not mean love, I intended *like* and not *love*. As far as I recollect, I said, in my letter, which was taken out of the post, that her Royal Highness liked and esteemed M. Sachi as formerly. M. Bergami saw me writing this letter. It was written to M. Sachi, but it was intercepted and I afterwards saw it in the Princess's hand. I afterwards wrote a second letter, which was addressed to M. Penchio. I did not communicate the contents of this letter to any one, but it was after I wrote it I was dismissed. I never said her Royal Highness was in love with M. Sachi. When my first letter was produced by her Royal Highness, M. Bergami was in the room with her, as were several other persons. The letter, when I put it into the post at Pesaro, was addressed to Milan. Pesaro is three days, by post, from Milan. I have written many letters to my sister besides those now produced. So has my mother. We received answers from some other person, who wrote in the name of my sister; but I don't know who. This is, (producing a letter) one of the letters I received. I have often seen her Royal Highness write, and believe this is her hand-writing. My mother received a letter in the hand-writing of my sister whilst I was at Milan. When Bergami was with her Royal Highness, talking of my dismissal, he said, it was true, I had said her Royal Highness was in love with M. Sachi. I proposed to write to him to know the truth but Bergami opposed it, and said, I had passed a night in the corridor with M. Sachi. I said my sister slept with me that night. She did sleep with me, and it was not true, that I passed a night with M. Sachi. It is true, I took an oath two months ago. I did so by the desire of Mr. Powell. I don't know why I was asked to do so. I think it was about two months ago. It was after the Queen arrived in England, but I believe, not long after. I had heard of a committee of the House of Lords; I think it was after I heard that I read the depositions before I took the oath. When at

Naples I saw Bergami in his shirt, in the corridor. After I went out I saw the door shut from the inside, and I heard the key turn. I began to make the beds two months after our arrival at Naples, and continued to make them for all the rest of the time we were at Naples. Annette Frison made them before. Jeronimus's chamber opened into a corridor through which one passed to go to her Royal Highness's room; myself and W. Austin also passed through that corridor. On my first coming here I went by the name of Colombier, to be more tranquil. I have seen M. Jeronimus on the stair case in the house, where he lived in Dean-street, about seven weeks ago. He called on me twice in one morning, those were not the only times he called. Count Schiavini, during the latter part of the witness's residence in her Royal Highness's family, held the office of master of the ceremonies. When the servants quitted her Royal Highness's family, Count Schiavini several times gave them a character

*Examination by the PEERS.*

In answer to a question from Lord LIMERICK, as to the situation of the large bed the second morning after the arrival of the Princess at Naples the witness said—I said I could not describe it because I might have had to make use of terms which were not decent. The bed covering was extremely pressed down in the middle, and there were things upon the bed I had never seen before; large stains were on the cover. I made no further observations.

By Earl GREY.—When at the Barona, I took my bed out of the Princess's room; I passed the remainder of the night in the room of the Countess Oldi and my sister.—By the expression in my letters of the Princess being surrounded by spies, and having enemies, I spoke not on my own knowledge but what her Royal Highness had told me. It was what the Princess had said, that she was surrounded by spies and enemies. The expression used in my letter, "you see," immediately preceding the words "the Princess is surrounded," &c. was allusion, like the rest of my letter. When I wrote the letter, I did not think the fact of the application to me was a proof the Princess was surrounded by spies, because it did not take place near the Princess. I received a letter to which I have alluded; the rest of my letter was a *double entendre* to my sister. I added something false to what was true, but not for the purpose of writing what was false, but that my sister might understand, as I dare not write freely to her. I wished her to understand that if she quitted the Princess, I could settle her here; by mentioning money, I meant to say I could pay her passage.

By Earl DERRY.—Witness had not given a clue to her sister by which she was to understand her real meaning, notwithstanding her mysterious manner of writing; but the morning she set out she had agreed with her sister that they would adopt certain marks, which no other persons but themselves could understand.

By Lord ELLENBOROUGH.—I feared my letter might be read by Bergami, or the Princess. My sister had written a letter to my mo-



ther, and put it into the post at Pesaro, which was taken out and altered. At Catania I saw the Princess come out of the room in which Bergami slept, with a pillow under her arm; to the best of my recollection, my sister was in the room with me; I had been awake at this time about two hours. At Naples I saw Bergami going in his shirt, towards the Princess's room; I was about five paces from the door, at which I escaped, and Bergami ten or eleven paces. Bergami could have entered the Princess's room without entering at the door by which I escaped.

By the Marquis of LANSDOWN.—The letter I received inviting me to come to England was not signed; It was, as far as I can recollect, written in French, I do not recollect by whom it was delivered, nor do I recollect in what month it was dated. I, at this moment, cannot say whether at that time I had any idea from whom it came, nor can I say whether I wrote any answer to it. I have not the letter here, nor do I think I have it at Colombier, as I burnt my letters before I left home.

By Lord LAUDERDALE.—I have not made any application for the place of governess since I came to England. Part of the voyage up the Levant, Bergami slept in the eating-room, and the Princess in the room adjoining. On one occasion I saw them in their beds, speaking to each other, but I cannot recollect what they said to each other. I remember at Utica, going to the threshold of her Royal Highness's room, when she was in bed and Bergami in the room, and that her Royal Highness asked me for something, but I cannot recollect now what she asked for.

By Lord FALMOUTH.—When the Princess had been in the bath-room, and I afterwards went down, if there had been any wet linen, it would have been my duty, or that of my sister, to take it away. I saw no marks of her Royal Highness having been in the bath; I only saw the bath. In my praise of the Princess in my letter, I wished to speak of the extreme acts of kindness which her Royal Highness had done me while in her service.

By Lord LAUDERDALE.—I was sincere in speaking of her personal qualities. I don't recollect whether all was sincere which I said in her praise, but a great part was.

By Lord DARLEY.—I was much attached to her Royal Highness; but the attachment ceased when I heard she had said several things of me in the house of her Royal Highness. It was not in consequence of that attachment having ceased that I came here to give evidence. I was asked to come to declare the truth by M. Sachi.

Adjourned.

SIXTEENTH DAY—SEPTEMBER 4.

LERIGE SOLDINE, *examined by Mr. PARKE.*

Where do you reside? At a village near the Lake of Como. What is your business? I am employed in building and ornamenting houses. Do you know a person named Gagili? I do: Do you

know the Village d'Este. I do. Who is Gagili? He was the agent of the Princess of Wales? Where? At the Villa d'Este. Did you ever work at the Villa? I did. For whom? For Gagili. What were you employed upon? I was at work at cornices by contract. Do you remember any morning being at that work? I do. Tell us where? I was employed the night before by Gagili, and was to have my men ready to go to work the following morning according to a contract. Did you go to work at that time? I did not. What did you then? At the time appointed, not finding materials ready for me at the agent's, I went over to the Villa d'Este to see about them; they were the plaister, the marble, and the other things. How far is the house of the agent you were waiting in from the Villa d'Este? About three gun shots, 450 paces. When you got to the Villa d'Este did you enquire for the Patrone? Yes. Did you go into any other place to look for him? Yes. Did you go up stairs? Yes. Was he in a large room when you got up stairs? I went into a room, but not a great one, a little one. How long did you wait there for him? I opened the door and looked, and saw a great many doors, and I was a good deal out of humour, having so many men on my back, not at work, and I opened and shut it again directly. Now did you see any one there? I saw the Baron and the Princess, who were both seated. Who do you mean by the Baron? Bergami. On what were the Baron and the Princess sitting? They were sitting both together; the Baron had one arm across the neck of the Princess. What were they sitting upon? Whether it was a sofa, or whether an easy chair, or whether a small bed? I don't know, because I was only at the door a moment. How was the Princess dressed as to her bosom? It was entirely uncovered. In what position was the Princess? Sitting. Was any one else in the room besides the Baron and the Princess? I saw no one else. When you opened the door, what did the Baron do? He took away his arm, and got up and said, "what do you want here, you dog."

The Interpreter.—The expression the witness used is rather stronger—it was *filio del cane*, which is, son of a dog. (Laughter.)

What did you say to the Baron? I said, "You must excuse me Signior the Baron, because I had so many men, and I came here after the Patrone, as I want the materials to work with;" and he said that apartment was not belonging to the Patrone. Did you see them afterwards? Yes; walking down stairs arm in arm. Did you see them doing any thing? I saw them standing just for a moment on the stairs, for I was crossing them. Did you see them at any other time? I saw them three or four times on the back of an ass, in the front of the house. Was Bergami himself riding on an ass? No, he was on foot. Was he near the Princess? He was. How did he hold his hand? One was behind her back, another on her thigh, because she was sitting on the ass.

Cross-examined by Mr. TINDAL.

When did you first communicate what you know about the Princess to any one? The first time I mentioned it was to the son of

the factor. Were you at Milan? Yes. What did you receive for going to Milan? I received ten livres per day, to pay my expenses. Do you mean to swear you did not receive more for going to Milan? I do. Who paid your expenses in coming over to England? The courier paid me ten livres every day. Who pays your expenses here? I don't know that. Where are you staying? I am out from here, not very far. Had the room in which you saw the Princess and Bergami a good many doors? I went in by one door. There were other doors, but that was the first time I went into the room. About what time of the year was it? The latter end of September or the beginning of October.

The Earl of LIVERPOOL wished to ask one question.—Witness has stated, that when he opened the door of the room which had been mentioned, he saw the Princess sitting with Bergami, the arm of Bergami round the Princess's neck, and he has described her bosom to be "uncovered so." I wish to know if her bosom was bare? As far as I am concerned, I saw it uncovered.

The Lord CHANCELLOR.—How far did you see the breast uncovered? I did not stay to look—I saw it, and made my escape; I saw it in the twinkling of an eye; it was uncovered as far as here, (drawing his hand across the lower part of his bosom); I saw the breasts.

The Duke of HAMILTON.—How was the Princess dressed at that time? I cannot say at all. I said what I saw; I was surprised.—Had she a handkerchief on or any thing that covered the neck? I say no; I saw it so; with my own eyes I saw the breast naked.—Witness has said that the arm was round the Princess's neck; I wish to know whether the arm was round the neck? I am the Princess and you are Bergami. (Here there was a loud burst of laughter at the manner of this witness, who placed himself and the Interpreter in situations to represent the Princess and Bergami, and proceeded to put the Interpreter's arm round his neck.) Does witness mean to say that the arm of Bergami was on the breast of the Princess? I have said it many times. I have even shewn you how it was.—The witness then retired.

#### FIFTEENTH WITNESS.

ALEXANDER PINEFFI, *examined by the ATTORNEY-GENERAL.*

Are you an ornamental painter? Yes. Were you ever employed at the Villa d'Este? I was. By whom were you first employed at the Villa d'Este? By the Baron. What Baron? Baron Bergami.—How long were you at the Villa d'Este? More than two years.—Did you afterwards go to Rome with the Princess? I did. How were you employed when you went to Rome? In what situation.

*Interpreter.*—He says he cannot hear; he does not comprehend the question. Shall I put it again. (*Gries of Yes, yes!*) Question repeated? I was a servant. During the time you were at Villa d'Este, did you ever see the Princess and Bergami together? Many times. Where have you seen them together? Walking about the grounds. When walking about the grounds, in what manner were

they walking together? She was holding the hand of Bergami. Were they alone, or were others with them? Sometimes they were alone and sometimes the Dame d'Honneur was with them. Have you seen them in a boat together? Many times. Were they alone in the boat, or were other persons with them? Sometimes they were in the boat alone, and sometimes the Dame d'Honneur was with them. When you were at Rome, at the Villa Brandi, did you wait at table? I did. Did you wait at dinner and supper? I did. Who used to dine and sup with the Princess? All her Court; and sometimes persons who were invited from Rome. Did Bergami dine and sup with her? He did. Do you remember being at Rupinelli with the Princess? Yes. Bergami kept his bed on one occasion there from illness. Did you see her Royal Highness in that room where he was? Yes. What was she doing in that room? She was there conversing with Bergami. Did you ever see Bergami take any medicine during that illness? Yes. Who gave it to him? I have sometimes seen the the Princess give it to him. Were you ever present when Bergami had his bed warmed? I was not present when the bed was warmed, but I brought the fire. Have you seen Bergami get out of bed for the purpose of having his bed warmed? —I have. Was the Princess in the room at that time? Yes. Do you recollect going from Ancona to Rome with the Princess? I do. On any evening in the course of that journey, do you remember seeing the Princess and Bergami together any where? Yes, passing through a court, I have seen the Princess embrace Bergami by putting her arms under Bergami's arms. Now, were you at Caprina, near Pesaro with the Princess? Yes. Do you remember on any particular occasion seeing them together after dark? Yes, on the first evening of our arrival there. Where? Out of the house, on the steps which led to the garden. What were they doing when you saw them? I went to look for —, and I thought it was the wife of the agent, but it was the Princess; she was embracing Bergami, as I have just described. Have you ever seen them doing any thing else to each other? I have seen them kiss. Kiss each other? Yes. Have you seen that once, or more than once? I think to have seen it only once then, other times I also remember.

## SIXTEENTH WITNESS.

*DOMINICA BRUZA, examined by Mr. PARKS.*

Of what place are you a native? (Reply not heard.)—What trade are you? A mason. Were you employed in the service of the Princess of Wales? I was. How long? From 1815 to 1817. Were you at the Villa de l'Ami? Yes. Were you at the Barona? I was also at the Barona. Has the witness seen the Princess of Wales and Bergami together? Yes. Often? I have seen them once, twice, three times, many times. Has the witness seen them walking alone? I never made any observations about their walking; I have seen them sitting—it was on the evening of a feast. What feast? The feast of St. Bartholomew. What time of the day was it when the witness saw them sitting together? Evening. In what place,

or whereabouts were they sitting? They were sitting on a bench under some trees. The Interpreter said "a sort of *bercu*," on which several Peers said, "it was an *arbour*." Was any one sitting with them besides the Baron and the Princess? I saw the Baron and the Princess, no one else. How came you to see them? I was going with ——— to sleep in the village. Do you recollect being at work any day at the Villa d'Este, near a corridor? I do. Was there a door in the room where the witness was at work? Yes. Was there another door besides the one mentioned by the witness just now? Yes; there was another. In what direction was this other door from the position of the first? They were opposite to each other. When the door of the room in which the witness was working was open, and when the second door he has described was also open, could the witness see through both? (After a pause.) When I was going *Raggazoni* was coming out of the room, and we went together. Did you see any person in the room when the door was open? I did. Whom did you see? The Princess and Baron *Bergami*. What were they doing when you saw them? They were caressing each other. Were they sitting or standing? Standing. In what way were they caressing? They were caressing each other with the hands. What part of the body did they touch? The face.

## SEVENTEENTH WITNESS.

ANTONIO BIANCHI, *examined by Mr. PARKE.*

Are you an inhabitant of Como? I am. Do you know the Princess of Wales? I do. Do you remember when she lived at the Villa d'Este? Yes. Have you seen her on the lake of Como in a small boat? Many times. Who was with her on those occasions? *Bergami*. Do you know the river *Brescia*? Yes. Have you ever seen the Princess and *Bergami* on that river? Yes. What have you seen them about there? I have seen them in a little canoe, near a little gate to prevent the water from overflowing the country. What were they doing there? I have seen first the canoe empty; then, after a moment, I have seen *Bergami* and the Princess enter it. Where were they coming from? They came from this flood-gate. Describe this flood-gate? (The witness then described the river as being confined by a bank to prevent the land from being overflowed.) Where were they when you first saw them? They were coming towards the canoe. Was that the only time you saw them in the river? I have seen them several times. How were they dressed when you saw them at the time to which you allude? Both alike. What kind of dress? I cannot tell whether it was linen or silk. Could you see whether they had been in the water or not?

Mr. DENMAN objected to this as a leading question.

The Lord CHANCELLOR.—Ask whether their clothes appeared to be wet.—The question was put to the witness. They seemed to be wet, but I cannot say whether they were dry or wet, because I did not touch them. Did they get into the canoe where you saw them?

They did. Do you recollect whereabouts they were when you first saw them? I saw them the first time leaning against the bank. Was there any water where they were standing? There was a little water, not much. How much? About a yard deep. When he first saw them were they standing in the water? I saw them leaning against the bank and then they walked towards the boat. Was the water where they were standing used for bathing? Many gentlemen go there to bathe, because the land is good and the water is clean. How was the Princess in the lower part of her dress? She had loose trousers that reached to her feet.

## EIGHTEENTH WITNESS.

GIOVANNI LUCCINI, examined by Mr. PARKE.

Where do you come from? The Lake of Como. What are you? A white-washer. Were you employed at the Villa d'Este? Yes. In the service of the Princess? Yes. Do you know Bergami? Yes. Have you ever seen Bergami and the Princess together? Yes. Often? Yes. Have you seen them riding in a carriage together? Yes, I have. How did the Princess sit? He was sitting behind, and she was sitting on his knee. How was Bergami? He had his arms under the right arm of her Royal Highness, on the right of the whip. Did you ever work in the house at the Villa d'Este? Yes. Did you ever see the Princess and Bergami? Yes. What were they doing? Reading a book. Standing or sitting? Sitting. After you saw them what did they do? They got up, and went into a cabinet hard by. How did they enter? Bergami got hold of the Princess by the arm to assist her to get up. When they walked away did you see where Bergami's arm was. No, I did not. Do you know the room which was Bergami's at the Villa d'Este. Yes, I do. Did you see Bergami one morning at the window? I did. How was he dressed? He had on a morning gown of a lead colour. At what hour in the morning? Between ten and eleven. Was any body else in the room at the time? There was, the Princess. How was she dressed? I think she was dressed in white. What were they doing when you saw them? They were at the window looking out. Have you ever been at the Theatre at the Villa d'Este. Yes. Were there any persons performing? Yes. Who? The Princess was singing, Bergami was playing on a guitar, "*Doroteella*," an Italian air.

Cross-examined by Mr. DENMAN.

Did you not say at Milan that you knew nothing on the subject, but wished a journey to London.—I have been examined at Milan; to me they told nothing.

Earl GREY.—Is a padovanello a carriage commonly used in your country? Yes. It has one seat only? Yes. Can two persons sit in the carriage? No. Is it not the custom in the country for the driver to sit on the lap of the other? Certainly, it is necessary for one to sit at the back and one at the front. I have seen it frequently.

## NINETEENTH WITNESS.

CARLO CANTALI, *examined by the ATTORNEY-GENERAL.*

Have you lived with the Princess? Yes, almost two years. What was your situation? Confectioner. Where was the Princess when you lived with her? At the Villa d'Este. Do you know Bergami? Yes. Have you seen the Princess and Bergami together at the Villa d'Este? Yes, always. Did you see the Princess and Bergami at Caprina together? Yes. Did the Princess keep birds? Yes, nine. Did she keep a nightingale? Yes. Did you ever carry meat to the nightingale? Yes. Upon one occasion did you see the Princess and Bergami? Yes. Did you see them doing any thing at that time? Once I observed something. What? I observed they were kissing each other. At the time they were kissing did the Princess say any thing to Bergami? She said, "Do not remain so long out *mon cœur*," and something else which I do not know how to explain. At Caprina did you know Bergami's room? Yes. Have you ever seen or heard Bergami in a morning calling his servant from the bed-room window? Many times. At the time when you have seen Bergami at the window, have you seen the Princess any where? In the room of Bergami, while he was calling for the servant. Have you been present when the Princess came down for breakfast? I always saw her. When she came down did any one come with her? Bergami, under her arm.

## TWENTIETH WITNESS.

FRANCISCO GASSING, *examined by Mr. PARKE.*

What countryman are you? I reside in the neighbourhood of Comq. What trade are you? A mason. Were you ever employed at the Villa d'Este? I have been employed for seventeen years. Were you employed during the time the Princess was there? Yes. Do you know Bergami? Yes, for years. What situation was he in when you first knew him? A valet. Did he wait at table? Yes. Did you know his bed-room at Villa d'Este? Yes. Do you know when the Princess returned from Greece? Yes. Do you remember any alteration in the wall of Bergami's bed-room after? Yes. What alteration was it? I opened a door. Was it a door you made? It was a door before I was employed to open it; I had stopped it up some time before. Did any change take place in the bed-room of the Princess? Yes. What alteration in the situation was it? It was changed a few days after the door was made. When the Princess's bed-room was altered, did the door-way which you opened lead into the Princess's room and Bergami's? There was a room between. After the alteration, could any one go from Bergami's room to the Princess's? By that door which I had opened a person might go into the next room, and then through a corridor to the room of the Princess. Before the door was opened, how far had a person to go from the bed-room of the Princess to Bergami's? He must have gone through a stair case, then a saloon, then a large room, then the door opened through another room, a corridor, and to the Princess's

room. Then the door you opened afforded a free communication? Yes.

*Cross-examined by Mr. DENMAN.*

Then the door that was opened was an old one not a new one? Yes, an old door. That is all I shall ask you.

TWENTY-FIRST WITNESS.

GUISSIPPE RASTALLA, *examined by the SOLICITOR-GENERAL.*

Did you live with the Princess of Wales? Yes. In what situation did you enter into her service? At first as the superintendent of her stables, and after as the chief superintendent of the stables. At what time did you enter the Princess's service? At the Villa d'Este, near Rome, in August or September 1816. How long did you continue in her service? Till the end of 1817. Was Bergami living at that time with the Princess? Yes. Have you seen the Princess and Bergami riding out in the carriage together? Yes. Did you ever see them ride in a carriage called the Padovanello? Yes. How did they sit in the carriage? Together, one on the other's lap. Did you ever see the Princess ride out with Bergami in another carriage? Yes, almost every day that they rode out. Do you remember a cloak Bergami wore when he went out? Yes. How was it worn? Her Royal Highness wore it over her and the lower extremities covered Bergami. Did her Royal Highness ever go out a riding to Fano? Yes. Was it your duty to accompany the carriage on horseback? Yes, I rode before. Do you remember on one occasion going to Fano, that you returned to the carriage for orders? On our return from Fano near the gate of Pesaro, I went to the carriage for orders. Was it an open carriage? Yes. Did you take any notice on your return to the carriage, where the hand of her Royal Highness was? I did. Where was it? In the small-clothes of Bergami. Did you see it distinctly? I did see it distinctly; I was ashamed at the moment. Do you know Catalito? Yes. Do you remember the Princess riding out to meet Bergami? Yes, several times. Do you remember one occasion when Bergami had been absent two days? I do not know whether he had been absent two or three days. Did her Royal Highness go out to meet Bergami? She did. Did she return again before she met him? She did. Did you see Bergami? Yes. When he came up to the carriage of the Princess, what did he do? Bergami dismounted from his carriage and ran to the door of her Royal Highness, and she also descended from her carriage to meet him and embraced. What then took place? They spoke to each other but I did not hear what words of compliment passed; they kissed each other. Did you hear Bergami or the Princess use any words? I heard, "*mon cher ami.*" After this what did they do? They took each other by the arm, and went into the same carriage together. Was it day or night? It was night. Do you remember little Victorine at the Villa d'Este? Yes. How did she call the Princess? Mamma. What conversation passed at any time between the Princess and Victorine? She



talked to her as she would to her own child. Were you ever at Barona? Yes. Did you ever see the wife of Bergami? Yes. Where did you see her? At Barona. Was Bergami's wife there at the time the Princess was? She was once there; but, when Bergami's wife came—they all went away.

Mr. DENMAN objected to the last question and answer.

*Cross-examined by Mr. DENMAN.*

When were you dismissed from the service of the Princess?—Towards the end of December, 1817. Were you not discharged for stealing corn? No. What was it for? Because I gave leave, to two of our men to go to the town, and the cousin of the Baron went to stop these men, and they complained to me, and I said I never knew that the master should be thief taker. The day after that, Louis came to me and said you are an honest man, and here is your salary; go away, for you ought not to remain among such a pack of villains.—When did you arrive in England? The day before yesterday. When did you hear of the Milan Commission? In December, 1818. How do you support yourself? I have a pension from my Government.—What Government? The Italian. Did you go to the Commission voluntary, to give evidence, or were you induced? I was sought after. By whom. The first time, a person named Reganzi, told me to go to the advocate Vilmercati. Did you not after become the most active agent in the Milan Commission? I was not an agent, I received orders as a courier, which is my profession. When you went for the Commission as courier to Westphalia, and delivered a letter to Pradi, did you not persuade Pradi to go to Milan? I did. Did you not offer him money to go? What did you say to induce him to go? I told him the advocate of the Commission wanted him, and would pay all expenses. Where else did you go for the Commission? I went to Frankfort with dispatches from Milan. Who did you see at Frankfort? I saw Pradi. Who else? I saw Priceson at a distance; but did not speak to her. Who is Priceson? A person who was in the Princess's service when I was in the service of her Royal Highness, in October, 1816. Did you see any other of the witnesses at Frankfort? No, I did not; I saw this woman by chance. What was the next journey you took for the Commission? It was to Paris with dispatches to Lord Stewart. Do you mean Lord Stewart, the Vienna Ambassador, or Sir Charles Stewart, the Ambassador at Paris? The Ambassador at Paris. Where did you go next? I went several journees. Did you go to Paris from Milan? Yes. Where did you next go to from Milan? I made several other small journeys. Have you had any other means of getting your bread besides the Commission since you left the Princess's service? Yes, I have a pension, and am a coach-maker.—When did you leave Milan to come here? I left it on the 21st of June. What are you to have for coming here? They have offered me nothing, and I do not expect any thing. Do you swear you expect nothing? I do. Have you seen Colonel Brown? Yes. Where at? In his house, where I took the letters and dispatches he

sent me with and for. Did you never go after Dragoni? I have been some time seeking after him; we are friends; and not for this business. Then you never offered Dragoni any money? No, I never did. And you never told him he might have money for his disposition? No, I never did. Do you know Colonel Vassalli? Yes. Did you not say to him that you had been discharged for stealing corn? No, I said I was discharged, for they were swindlers. Was it an open carriage in which you saw the Princess and Bergami, when you saw her hand in Bergami's small-clothes? It was a carriage for two, the top was open; there was a leather apron at front, but it did not reach as far as here (witness described about the middle of the body.) You came back for orders? Yes. How far were you before the carriage, before you returned to receive the orders? Three or four paces. You say you were in the habit of stopping at that place to receive orders? Not always; I have stopped several times to receive orders. Did you see the Princess's hand withdrawn from the situation mentioned, distinctly? I saw her take her right hand from his small-clothes—I saw it very distinctly, and I was ashamed to see her do so; it was broad day light, and in a public road; the Princess was sitting on the top, and Bergami on the right, guiding the horses; I said nothing about what I had seen excepting at the commission at Milan. This was in November or December, 1817, and about eleven months after I saw it. Did not the Princess remove her hand as soon as she saw you? Yes. Did she appear confused? I paid no attention to that, because I immediately turned the head of my horse.

The cross-examination here terminated, and the witness was examined by the Peers.

The Earl of LIVERPOOL.—The witness has stated that he receives a pension from the Italian Government.

On what occasion and on what account does he receive that pension? I received it for having been seven or eight years in the service of Prince Eugene. I received it about the year 1815, but it was granted to me in 1814. Does the present Government at Milan continue that pension? Yes. Has the witness ever been employed as a courier by the Italian Government? No. What is the amount of the pension? 260 livres.

The Earl of LAUDERDALE.—At the time the witness returned to the carriage to receive orders, did he obtain any directions? Yes, I was to go to the end of the town on the right and to take up a person. Who gave you that order? The Baron. Was that order given before you saw the Princess's hand, in the situation mentioned or afterwards? At the moment she was withdrawing her hand the Baron said, 'from the Castle.' Did you see the hand withdrawn and receive the order at the same moment? Yes, I heard the order and I immediately turned round,

#### TWENTY-SECOND WITNESS.

GUESIPPE EGALI, examined by Mr. PARKE.

What is your occupation? A waiter. At what place? At the Crown Inn, at Bellinzona, about three miles from Milan; it lies about

half way between Como and Milan. How long have you been waiter at that inn? Three years. Did you ever see the Princess there? I have. How often have you seen her there? Three times. When did you first see her there? Once she passed by in a carriage, and took something for breakfast in the carriage. How long was this ago? About three years. Do you recollect who was in the carriage with her? There was a certain Bergami. What was his other name? I believe Bartholomo. After that when did you see the Princess? About six weeks after. The second time what did they do at the inn, did they breakfast or dine? They came to dinner. Did you see the Princess and Bergami together on that occasion? I did. What was their conduct towards each other? Bergami came from Milan, and the Princess came from her own dwelling to dine there. How did they conduct themselves towards each other? At dinner they paid compliments to each other, and they offered to each other some delicate morsels. In what way did they address each other? They spoke in French. How did they give delicate morsels to each other? The Baron took something out of his own plate, and gave it to the Princess; and then the Princess took something out of her's, and gave it to Bergami. In what way did they speak to each other in French? I do not understand French well enough to know. The witness then stated, that there were two rooms in the inn, which were appropriated to the Princess. Their numbers were seven and eight, and communicated with each other; there was a door on No. 7, and two on No. 8. The Princess and Bergami dined in No. 8; in No. 7, there was a large bed. After dinner did you see the princess and Bergami in No. 8? Yes. How many persons dined that day with the Princess? The first day she dined there, there were ten. When you saw Bergami and the Princess together, were there company in the room, or were they alone? They had gone into the second room. Did you observe any thing done by the Princess and Bergami? Yes. Describe what it was you saw? I saw the Baron with his arm upon the shoulder of of the Princess. In what way? At the moment I was going into the room, I saw the Baron give the Princess a kiss, but I did not enter, and they told me to go away. In what way was the arm of the Baron on the princess? The Baron was on the right, and the Princess on the left, and the Baron put his right arm upon the Princess's shoulder.

Being cross-examined by Mr. Williams, he stated, that this happened in November or December, 1817. There were eight or ten persons in the suite of the Princess, when she left the inn.

The Earl of LAUDERDALE—When the witness was ordered to quit the room, does he know how long the Princess and Bergami remained in that room? Perhaps half an hour. Did any one go into that room during the half hour? No servants, but there was another room out of which they might come if they pleased.

## TWENTY-THIRD WITNESS.

**GIUSEPPE DEL ORTO**, *examined by the SOLICITOR-GENERAL.*

Deposed, that he was a baker in the service of the Princess, at Villa d'Este. After her return from her voyage, did you see the Princess on any occasion sitting in the garden? I did. Was she alone, or was any person with her? Baron Bergami was with her. What was he doing? He had his arm round her neck; was making love to her, and kissed her. — (Some laughter was excited on the witness putting his arm round the Interpreter's neck, and kissing him.) Before he put his arm round her neck, had he got up from his seat? Yes. When he got up, did the Princess do any thing to him? She took him by the flap of the coat and made him sit down again. Have you seen them in the kitchen, and was Bergami there? Yes. Was there any polenta (porrage) there? Yes. Did Bergami do any thing with it? Yes; he took a little, and went to her Royal Highness, who said something to him in French, and then Bergami, with a spoon, put half the polenta into the Princess's mouth, and half into his own. Did you, some days after this, see Bergami and the Princess in the pantry? Yes. What did Bergami do? He took a piece of sweetmeat, and put it into the mouth of the Princess.

## TWENTY-FOURTH WITNESS.

**GIUSEPPE GOUGIARDI**, *examined by M. PARKE.*

Is a boatman on the Lake of Como. He swore that he had frequently carried the Princess and Bergami on the Lake, in his boat. Sometimes they had with them the Sub-Prefect, the Doctor, and the *Dame d'Honneur*. Was there a theatre at Como? Yes, and whenever they went to the theatre, we carried them. Has Bergami gone with the Princess to the theatre? Yes. Did you discern any thing pass between them on those occasions? I have seen her kiss him. More than once? About four times. Did you ever see any thing more on those occasions, except kissing? Not in the boat. At any other place have you seen any thing between the Princess and Bergami? I saw them while in the pantry; they were taking themselves away from the table, and went up into the room, and locked themselves into it. What room do you mean? The bed-room of the Princess. Were you employed in the house of the Princess? I was working in the pantry, at 25 sous per day.

On his cross-examination by Mr. WILDE, the witness swore, that he had been examined at Milan, by Vilmercati, and for the first time, mentioned to him what he had seen.

How long before you went to Milan had what you mentioned in the pantry happened? Three or six months before.

The witness went on to state the names of some of the twelve boat-men, who usually rowed the Princess on the Lake. He denied positively that Vilmercati had offered him any money, excepting his expenses, or that he had ever told any body that he had been promised money. When you saw the Princess and Bergami go into

the bed-room, did you go on with your work? Yes. You remained at your work? I went near the bed-room. In the pantry? I went to clear the table of the room on which they had been at dinner.—And when the Princess and Bergami left the room, you continued attending to your work? I did.

*Re-examined.*—The witness said the dining-room was up stairs, and that the Princess's bed-room was only across a landing-place.

*By Lord GOSWORTH.*—How do you know the Princess and Bergami locked themselves into that apartment? He saw it with his own eyes. Did you hear the key turn in the lock? Yes. Did you attempt to open the door? I did not. Will you swear that you heard the key turn in the lock? I am sure of it.

The witness proceeded to state that either his brother or John Capella were assisting him at the time, and that they were hardly two paces distance from the bed-room door. The witness was standing in the corridor or landing place, when he heard the key turn. Other beatmen might have seen Bergami kiss the Princess, but sometimes they drew the curtains. Was it done publicly, without an intention of hiding it? I do not know but I saw a little kiss. Were the curtains wide open when you saw it? Yes.

*By the Marquis of LANSDOWN.*—Had you ever any conversation with the men who were in the boat with you, as to the kiss you saw given? No. Have you never mentioned the circumstance, from the time you saw the kiss given, till you were brought before the Advocate, Vilmorati, at Milan? No.

To several questions from the Duke of HAMILTON, the witness deposed, that he could not tell whether his brother or John Capella were helping him to clear the table when the Princess and Bergami locked themselves into the bed-room. When this happened, did you make any observation to the person who was with you? We made our observations, but we made no words of it, because we were attending to our own business.

Adjourned at 5 o'clock.

## SEVENTEENTH DAY.—SEPT. 5.

### TWENTY-FIFTH WITNESS.

*GIUSEPPE SACCHI, examined by the SOLICITOR-GENERAL.*

Of what country are you a native? Vinchino. Were you ever in the service of the Princess of Wales? I was. When did you enter into the service of the Princess? On the 7th of November, 1816, I entered her service. Where was the Princess residing? At the Villa d'Este, on the Lake of Como. How long have you been in her service? A year just. What situation were you in her service, when you first entered? A courier. Do you know Bergami? I do. Was he in the service of the Princess at the Villa d'Este, when you entered the service? He was. Soon after you entered the service, were you sent with any dispatch to the Duchess of Parma? I was.

Did you bring back any answer to the Princess? I brought back another dispatch. Where was the Princess when you delivered the dispatch? At dinner. Was any one sitting by her at dinner? Yes, Bergami. To whom did you deliver the dispatch? To her Royal Highness the Princess of Wales. What did she do with it? She read it, and then left it on the table. Did any one take it up? Bergami took it up at the time her Royal Highness was asking me for some further information. He took it up without leave, and read, or pretended to read it. Do you recollect being sent afterwards to Milan with some letters? I was sent in the beginning of September to Governor Seurieu. What directions did you receive about bringing back the answer? I was desired by Bergami to make the greatest speed, and bring back the answer that night. Did you arrive that night or the next morning? After midnight. When you returned where did you go? I dismounted from my horse and went to the kitchen, and there found a footman, of whom I asked where Bergami was. In consequence of his answer where did you go? I went up stairs to Bergami's apartment. Whom did you find there? A servant of Bergami's asleep, and I then went towards Bergami's bed-room. Finding the door open, I saw the bed tumbled, but no one in it, I went away, and going away, heard a noise in the apartment on the other side. At the same time, I heard, "Who's there?" Then I knew it was the voice of Bergami; to whom I answered, it was the courier from Milan. Bergami told me, there was no necessity for giving the answer. How was Bergami dressed? In his morning dress; or dressing gown. What had he under his dressing-gown? I saw only his breast; I saw nothing but his shirt. Where was it you saw Bergami? I saw him in the room, the door of which opened from his bed-room. Where did the door lead to? To two more rooms? Who occupied these rooms? No one. Do you know where the Princess slept? I do not. Do you know where the Princess's bed-room was? No, I do not. While at the Villa d'Este, have you ever seen the Princess and Bergami together? Several times. Where have you seen them together? I have seen them walk in the court and garden. How were they walking together? Arm in arm. While at the Villa d'Este, do you recollect carrying any letter to General Pino? I do. Did you bring back any answer from General Pino? I brought a verbal answer. To whom did you deliver that answer? To the Princess. Where was the Princess when you delivered that answer? In her own anti-chamber. Where was that anti-chamber? Immediately after mounting the stairs by turning to the left, there was a corridor, and by turning again to the left through this corridor, there was on the left the anti-chamber of the Princess. Was that anti-chamber of her Royal Highness near the place you saw Bergami, or where else? It was near the place where I saw Bergami.

You say that the Princess used to walk arm in arm with Bergami; how did she usually address him? She used familiar confidential expressions. What were they, do you recollect? I have heard her call him sometimes, "My angel," "My love," "My heart." Do

you remember the Princess going to Turin? I did. Where did they go at Turin; to what inn. To the inn *Universe*. Did you go before the Princess to Turin? I went before her for the last stage. Did you make any arrangements in the rooms for the accommodation of the Princess and her suite? Yes, it was arranged between me and the inn-keeper to give her Royal Highness the best apartments; and the *dames de honneur*, and also to the *fille de chambre*, and to the gentlemen, I allotted another apartment quite separate to themselves. Did that arrangement continue, or was it altered? No; upon the arrival of the Princess and Bergami I showed them the distribution I had made, but it did not meet with the approbation of her Royal Highness or Bergami; and the apartments which I had destined for her Royal Highness and the *dames de honneur* were assigned to Bergami, and the gentlemen, and the *filles de chambre*. How near the chamber of her Royal Highness was that of Bergami on that occasion? Between the room of her Royal Highness and that of Bergami there was a room where the Countess of Oldi slept. Was there any communication between Bergami's room with that of the Princess and the Countess of Oldi? There was a mutual communication. How long did they remain at Turin? About six days; I do not know exactly. Do you remember going with the Princess and Bergami to the Barona? I do. While they were at the Barona, were there any balls given there by the Princess? Many balls. What description of people attended these balls? At the beginning, besides the suite of her Royal Highness, there came other persons of distinction; but as at these balls many persons were introduced of all ranks and sexes, and of a very low condition, and as between those women and some of the suite of her Royal Highness there was some freedom, thus the people of condition were no longer received. What do you mean by freedom? Some persons took these women, and made them go from the ball-room according to their pleasure and will. Did you hear the Princess say, or in any conversation between yourself and the Princess, did she say any thing of the females who were at those balls? One day while I was in the Court, and the Princess and Bergami were there, the Princess told me, in these precise words—that she wished to make a present to some young girls; and then asked me, and said, “How can we dress these little maidens (*virgipelle*)?” Then she asked me, “Do you believe they are such?” I answered, that as far as I was concerned, I believed them (*honeste*) modest girls, and that I had nothing to say against them.—The Princess told me, “I know you rogue you had been in bed with three of them, and how many times you have had intercourse with them.” I was surprised at this compliment, and endeavoured to persuade the Princess she was deceived.—Bergami was present and began to laugh, and cried, “It is true—it is true—it is true!” Do you know which of those girls the Princess intended to make the present to? I do not. Did you see the Princess at those balls in the same room with these persons of no condition? Yes, several times. Did the Princess join with these persons in the dancing? Sometimes. Has he on any other

occasion heard the Princess make any other remark on these women? When some of them were one day at the Princess's house, she pointed at them with her finger, and laughed; and on such occasion exclaimed how much the population of Barona would be increased. Did you accompany the Princess on her tour through Germany? I have. In the course of that journey do you remember that Bergami purchased a carriage for two persons? I do. After that carriage was purchased, who travelled in it? In bad weather, during the night and during the day, it was for me. Did the Princess herself ever travel in it? Yes, during fair weather in the day-time, with Bergami. Does he remember on any occasion when Bergami and the Princess travelled in that carriage, that they went on before the witness? I remember that on the day while I remained at a place, the name of which I forget, her Royal Highness and Bergami set out suddenly in this small carriage, for I was not in time to follow them immediately, being obliged to get the other carriages ready. I followed them as soon as I could, and making the most haste possible, I could not join them till they arrived at this first station. When you arrived at that place did you see the Princess and Bergami anywhere? I asked about them, and a room was pointed out to me where they were. Did you go to that room? I did, and knocked at the door, and Bergami told me to come in. When I entered the room I saw Bergami and the Princess on a bed. But I must observe that they were decently dressed and at a distance from one another. How were they placed on the bed? They were lying on the bed as far as the middle, and their backs were leaning against the wall. Had you received any directions from any person with respect to the English? I remember when I perceived her Royal Highness on the road to Munich, she told me that the first thing in settling for lodgings was, to enquire if there were any English there; and if there were, to inquire after their rank, and go somewhere else for lodgings for the Princess. In the course of that journey, what was the general disposition of the bed-rooms of the Princess and Bergami? I continued to procure the lodging as far as Carlsruhe; but when we arrived there, I did not meddle with them any more, leaving it to her Royal Highness and Bergami. What was the disposition of the rooms during that time? Generally as near as possible. In the course of the journey did you go to Monte Falconi? Yes. What time of the day did you arrive there? When it was already night. Where did the Princess and Bergami go on their arrival at Monte Falconi?—We were overtaken by a violent storm, and obliged to stop at a miserable inn. Where did the Princess and Bergami go then? They went into a room where there was a bed. Did they remain alone in that room? They remained alone until the rest of the suite arrived. How long were they alone in that room? About an hour and a half. After that journey did you return to the Barona? We did. Did you go from Barona to visit Rome? We did. In your way to Rome did you stop at a place called Saviniani? Yes. Was the Princess taken ill at Saviniani? She was with violent pains. Do you know



who attended the Princess on that occasion? Bergami and the Countess Oldi. Do you know what Medicine was administered to the Princess? I do not know whether it was administered, but I saw Bergami and the Countess Oldi making it up. Did they go to Antonia? They did. At Antonia, what was the situation of the Princess's bed-room, with respect to Bergami's? One day I was called by M. Bergami, when he was in bed, and he was speaking to me about something: there was a door open, which led to another room. Was the door open when you came into the room, or was it opened afterwards? The door was open when I came into Bergami's room. Do you know where the door opened to? It opened, I believe, to the room of her Royal Highness. Do you know whether it was the Princess's bed-room? I can't say to a certainty. What did you see in that room when the door was open? I saw some things belonging to her Royal Highness, for instance, boxes, &c. &c. Did you afterwards go to Rupinelli? Yes. Had you any occasion to go into Bergami's bed-room at night? I did, and saw Bergami in bed. About what hour? Eleven o'clock at night. He said he saw Bergami in bed. Did he see any body else in the room? Yes, there was her Royal Highness in the room. Where was her Royal Highness? She was by the side of Bergami's bed, stretched on a sofa. What was on the sofa? Some cushions. From Rupinelli did they go to Villa Grande? Yes. In what part of the house there did you sleep? On the left of the entrance. Do you know where Bergami slept at Villa Grande? On the right hand opposite my room. Do you know where the Princess slept? Her Royal Highness slept on the side where Bergami slept. Do you remember at any time at Villa Grande, when the people of the house were gone to bed, seeing Bergami there? I remember once after mid-night, whilst the weather was insufferably hot, and I was at my window, I heard a noise; I listened; I saw Bergami come out of his room and proceed to that of her Royal Highness: he entered, and I saw him come out no more. How long did you remain at the window after you saw Bergami go where you described? About an hour. Did you see Bergami on any other night? Two nights after I saw the same thing. When was it you saw Bergami? about the same time as at first. Did you on the second time wait to see Bergami return? I did not. How long did you remain at the window the second time? About a quarter of an hour. Whilst you were at Villa Grande, did you see any busts? I saw two. Of whom were they the busts? One seemed to be her Royal Highness and the other Bergami. Where was it you saw the busts? I saw them in the room of Bergami at Villa Grande. Were they both of the same size? Nearly. I forgot to ask you what time of the year it was when Bergami went into the Princess's bed-room? It was in July. Was it very hot? It was very hot. Did the Princess go to Cini Gaglia? She did. Was the weather very hot? It was very hot. Did she travel by night? She did. Were there any curtains to the carriage? There were. Did you at any time draw back those curtains? Several times. For what purpose? Every morning when they appeared I went to ask

whether her Royal Highness wanted any thing. Who travelled in that carriage? M. Bergami and sometimes the Countess Oldi, or the child of Bergami. On any occasion when you had gone to the carriage for this purpose, did you observe in what situation the Princess and Bergami were? It happened to me two or three times, to find them both asleep and their hands on one another.—Describe in what manner you saw their hands? Her Royal Highness had her hand in Bergami's— and Bergami had his hand in her Royal Highness's lap. Did you at any one of those times make any observation on the state of Bergami's small-clothes? I once saw that Bergami had his small-clothes half loose—half unbuttoned—(a pause, when witness added)—they were not braced up; and the front flap was half unbuttoned.—Did you on that occasion make any observation as to where the hand of the Princess was placed? One hand in that part. Was any body in the carriage with her besides Bergami at that time? I do not remember. Did you say they were asleep at that time? They were. Did you on the journey from Rome to Cini Gaglia, observe any thing else that passed between the Princess and Bergami? I once saw her Royal Highness kiss Bergami on the neck. Did you afterwards go to Pesaro? We did. During the time the Princess was at Pesaro, did Bergami go away for any time? He went to Bologna, where he remained two days. On his return, did the Princess go to meet him? Her Royal Highness went out to meet him, with part of her suite. Did she meet him on that occasion? She met him near the toll-gate. When they met each other, did you observe what was done by them? When they met, they got out of their respective carriages, and embraced and kissed each other. Do you know where Bergami's brother, Luigi, and mother dined? When I entered the service they dined in a room among themselves. Did any altercation take place in their dining? I don't know. At the time you were at the Villa d'Este did any person visit her Royal Highness? Once I saw General Pino. Did the witness see any other person? *Non mi ricordo.* Was there a person of the name of Verona in the Princess's service? There was. What was he? A messenger—a servant. In what capacity? Like any other servant, waiting at dinner. What was he before he came into the Princess's service? I never knew what he was before. Had you never heard Bergami converse with the Princess about Verona? *Non mi ricordo.*

*Cross-examined by Mr. BROUGHAM.*

You do not understand English at all, I take it for granted? No. Not at all? No. How long have you been in the country now? About fourteen months. Where have you lived all that time? Partly in London, and partly in the country. Is your name Saccini, or Sacchi? Did he ever go under the name of Saccini? When I was at Milan they called me Saccini. While in this country the people neither called you Saccini or Sacchi you know, but they called you Milani, is not that true? It is true. Whom did you live with in Stevenage, in the country; did you not live at Stevenage? Some-

times. How long did you live there? I never lived at Stevenage. Where did you live when in the country? At Ashton. How far is Ashton from Stevenage? Four miles. Who did you live with there? In the House of the Rev. Phillip Godfrey. Have you seen him in town lately? Mr. Godfrey; once. Now, after you left the Princess where did you go to live first? I went to Milan. Did you go into any other service there? I did not. How long did you remain out of place? Always. You have never been in any other service since? Never. When were you first examined at Milan on this business? In the month of November, 1818. Was that the first time you told this story to the person at Milan. No; I had said it at other times. When was the first time that you were examined on the subject. In November, 1818. Who had you told it to before this? Different people. Name one of them? *Non mi ricordo.* Who asked you to go to be examined at Milan in November, 1818? A messenger was sent to me by the advocate Vilmercati. Who did you see with Vilmercati when you went to him? No one else but Vilmercati. Did he then examine you? No, it was not at that time. When did he examine you? About a fortnight after. Who did you then see, when you were examined? I saw the advocate Vilmercati, the advocate Powell, and another gentleman called Cook. Did they take down what you said in writing? They did. Did they swear you to it; did they make you take an oath? At Milan I never took an oath. Where did you take the oath then? In London. Was it in Mr. Powell's chambers that you took the oath? Precisely. What wages had you as courier to her Royal Highness? There never were any wages settled. Do you mean that you served as a volunteer, without wages? I have received something, but there was no certain salary. Well, how much money did you receive the first half year you were courier? I have received at three times money during the time I have been in the service of her Royal Highness, making altogether sixty or seventy Napoleons. How much did you receive of that sixty or seventy Napoleons during the time you acted as courier only to her Royal Highness? *Non mi ricordo.* How long did you serve as courier, or nearly? About nine months. Do you mean to say you were in easy circumstances when you entered into her Royal Highness's service? Thank God I was always in easy circumstances. And were you dressed as well as you are now when you went into her Royal Highness's service? I was well-dressed. Did you not introduce yourself to M. Marietti as Count Milani? *Non mi ricordo.* Will you swear that you were never called Count Milani in M. Marietti's presence? I swear I never heard myself called Count at all. Will you swear you did not introduce yourself to M. Marietti as a merchant? Never. Did you not state that you came over to this country for commercial purposes? No, I always said I came over in the service of a Spanish family. Is it true you came over in a Spanish family? It is not true. Did you say you had a lawsuit against the Princess? I said I had a lawsuit, but I meant I was in the process against the Princess. In saying you had a lawsuit,

instead of saying you were a witness against the Princess, was it intended as a *double entendre* to the person you spoke. Yes, I mean it as a *double entendre*. Did you disclose to M. Marietti in any way, that you were a witness against the Princess? I told M. Marietti after I returned from Ashton. How long ago is that? About two months ago. Did you tell Mr. Godfrey you were Milani or Sacchi? Melani. Did you tell Mr. Godfrey you were a witness against the Queen? I did not; but I caused a M. Speratti to tell Mr. Godfrey. Did you ever apply to be taken back into her Royal Highness's service? *Non mi ricordo*. Will you swear that you never intreated one of the suite of her Royal Highness to take pity, or have compassion, on you after you left her Royal Highness's service? It may be I did so. Did you ever say to any body that your conduct towards the Princess was liable to an imputation of ingratitude to your generous benefactress? Never. Is that your hand-writing? (shewing a letter.) It is. Is that also your hand-writing? (shewing another part.) It is.

The ATTORNEY-GENERAL said he could not see the letter.

I know it, said Mr. BROUGHAM, and I intended it should be so.

Did you ever go by any other names than Milani and Sacchi? I am called and have been called another name. What is it? (The witness said he could not answer, and begged as a favour from the House not to have it stated, as he might be exposed to the fury of some persons by doing so, and begged the House to desire that the question and answer might not appear in the public papers.)

Did you ever go by any other name in Italy? I do not remember being called by any other name. Did you ever make use of any other name for the purpose of corresponding with any body? *Non mi ricordo*. Have you ever been in Switzerland? Yes. At Mague? Yes. At Columbier? I have. How long at a time? Six weeks. Did you show yourself openly, or conceal yourself? I made myself known to all. Under what name? By my own, Sacchi. Had you money in your name at a bank in Lausanne? I had. How much? Fifty Louis. Never more at one time? I had no more. Had you no credit to draw for a larger sum? No, I never had. Did you ever say you had? I do not recollect. Will you swear? I cannot swear when I am in doubt. Did you fetch M. Dumont from Switzerland to Milan? Yes. And bring her back? No. But you went to persuade her? No, but to ask if she would go or not. Who employed you? I was desired by the Milan Commission. Did you tell any body that Dumont was gone back to her Royal Highness's service? Never. Who did you come to England with? A courier named M. Krous. Was it the M. Krous who had been taken into custody for dealing in forged notes in Paris? I don't know. Did M. Krous come over to London with you, or remain at Paris? He came to London. Is M. Krous a King's Messenger, or is he only employed by the Commission? I do not know. Have you gone any other journey with M. Krous? No. What money did you get for your service to the Milan Commission? Only my expenses for the journaies I have taken for the Commission. Do you

mean to swear that you have never received any promise for your service or trouble for the Milan Commission? I have not. Did you ever say to any person that you had been promised some advantage for giving evidence, or for your trouble? I never said so, I might have said I expected my expenses. Do you mean to swear that you do not expect any thing? I do hope my expenses will be paid. Have you seen M. Dumont since your arrival in England? Many times. Have you seen the other witnesses? Yes.

*Re-examined by the ATTORNEY-GENERAL.*

Where does your family live? At Padua. Were you in the army? In the artillery ten years. In what army did you serve? In the Italian army of the kingdom of Italy, headed by Buonaparte. What rank did you hold when you left it? Lieutenant in the cavalry. When did you leave the army? On the 9th of September, 1813, on the field of battle. When you left her Royal Highness did you get a certificate of your character? Yes. Have you got it about you? Yes. Is it signed by her Royal Highness in her handwriting? When it was given to me, I was told it was signed by her Royal Highness. Have you seen her Royal Highness write? No, I do not remember. Do you know whose seal this is on the certificate? Yes. Whose? The same seal which I have seen on the letters which her Royal Highness has given to me. Who gave you the certificate? The Count Schiavini. What situation did Schiavini hold in her Royal Highness's service at that time? The Marshal of the palace. When the servants left the service of her Royal Highness, who was the person who gave them characters? I did not see, Majocchi received his character from Schiavini. How long did Majocchi leave the Princess's service before you? About two months. You have been asked about a person named Marietti, who is he? I know several brothers of that name. Are they bankers at Milan? Yes. Have they a house of trade in London? I know no trade. Do you know the firm of Obicini and Co? Yes. Is Marietti a partner in that house? Yes.—Adjourned.

~~~~~

EIGHTEENTH DAY:—SEPT. 6.

SUPPLIES FOR THE QUEEN.

Lord KENYON thought, that considering the agitated state of public feeling, the fullest explanation ought to be given on this most important topic. He contented himself with reading his motion—that an humble address be laid before his Majesty, praying that there be laid before the House, copies of all communications which have taken place between his Majesty's Government and her Majesty's legal advisers, touching pecuniary supplies, together with all sums of money furnished from the Treasury for her Majesty's use, since her Majesty's arrival in June last.

Lord KING said, that he disliked the motion, because it only went to disclose the expences which had been incurred on one side. He thought it right that the whole transaction should be known to the House in all particulars. It was evident, from the testimony of several of the witnesses at the bar, that large sums of money had been paid or promised on this occasion. It was important that the House should know on what authority these those sums had been promised or paid, and from what funds they had been taken, or were yet to be drawn. No doubt the money spent and to be expended on the present occasion, would be a sum of great magnitude, and it would be well for their Lordships to be informed of it. The object of the motion proposed was chiefly to secure the furnishing of proper means to the Queen for her defence. No question but that in appearance her Majesty could be most amply supplied ; but would those means be all furnished ? Government would, perhaps, give directions to Ministers and Ambassadors on the Continent to give all facilities to the Queen's Agents, and advance the necessary means. But upon application to ministers, it might turn out that there was a *double entendre* in the orders given for that purpose. The object of a motion, that of procuring proper means for her Majesty's defence, was a very proper object. But it would be much better, if it were to be so shaped as to bring the whole expense of the transaction before the House.

The Earl of LIVERPOOL had no difficulty in agreeing to the motion of the Noble Baron, as it stood on a specific ground. As to the expense of the whole proceeding, there would be no difficulty on the part of Government, at the proper time, to lay the accounts before Parliament. At present he thought it would be most inconvenient and improper to call for those accounts.

The Earl of DARNLEY was of opinion that the whole of the accounts should be furnished. It was pretty evident from what had taken place at the bar, that a great and lavish expenditure had taken place. For this reason the House ought to have a full account of the whole expense. If such a motion were brought forward it should have his support, but he could not agree to the motion before the House.

The Lord CHANCELLOR put the motion, adding after the words "legal advisers," the words "and agents." The motion was carried. A division, however took place. The numbers were—

Contents 153. Non-Contents 73. Majority for the motion 60.

GIUSEPPE SACCHI, *re-examined by the ATTORNEY-GENERAL.*

The witness has stated, that when he came to this country, he assumed the name of Milani ; why did you assume that name ? I took this name on account of the tumult which had taken place, and of the danger which I should have been in if I had come under my own name. He has stated, that he took another name ; when was it he assumed the name he now holds ? It was immediately after the affair that happened at Dover. Have you stated that you took an oath to

depositions; when was that? I do not remember exactly the day, but it was about two months ago. On what occasion were you sworn to that oath? It was proposed to me by advocate Powell. For what purpose? Mr. Powell told me, he had received a letter from Lord Liverpool, stating that I must take an oath. Did he say any thing more of the purpose for which this oath was taken? No thing else.

The ATTORNEY-GENERAL said, he had no further questions to ask.

Examined by the PEERS.

Earl SPENCER.—The witness stated, that he was an officer in the army: did he receive any pay for that? I have no pay. When he was discharged from the revolutionary army, did he offer himself to any other Government as a soldier? After three years, I asked to be taken into the Cantons of Switzerland, who had agreed to furnish troops to the King of France. What answer did he receive to that application? As I asked for the same rank which I held in the army of Italy, was answered, there was no place vacant. Did they offer you any inferior situation? They offered me the rank of sergeant. Is it customary for persons in the situation which you held under the Princess, to withdraw the curtains of the carriage of persons of high rank without permission?

The ATTORNEY-GENERAL suggested how far custom and use was evidence.

The Earl GROSVENOR.—Put the question.

Every morning I was in the habit of going to the carriage of her Royal Highness to see whether she had any orders to give me; sometimes I found the curtains shut, sometimes open. I was never admonished by her Royal Highness, that I had done this which was wrong.

In answer to another question witness stated, that no one had made him any offer of money, nor had any one endeavoured to dissuade him from coming here.

In reply to a question from the Marquis of BUCKINGHAM, he stated, that Marietti called on him, as he said, by the direction of Mr. Brougham, the brother of the Attorney-General for the Queen, and told him, as he (Marietti,) had received some services from the Messrs Broughams, he wished, if possible, to render them some in return. Marietti promised that he did not desire witness to tell him any thing that would compromise him; but as the Queen had been denied a list of the witnesses, and a specification of charges, they wished to learn from him the names and numbers of the witnesses, with the particulars of their testimony; but he, the witness, declined giving any information respecting these particulars, as he conceived he should commit himself if he did.

Lord FALMOUTH—Did the witness consider himself as entitled to mix with the company at the balls, at which the Princess attended? All had the same liberty. I understand you were admitted to go to

them? I was. Were you or any other servants allowed to invite their friends to these balls? As far as I was concerned certainly not, with regard to the others, I do not believe they had that liberty. Was the speech which the Queen made to you in the Court, where she was with Bergami, in French or Italian? The Princess always spoke French to me. I wish to know whether after the Princess had made that speech to the witness in the court, he saw the Princess at any of those balls, which have been alluded to, and at which those women attended? No answer was given to this question, but upon its being repeated, the witness replied, 'I have not seen her again on that occasion.' Have you seen her at balls subsequent to that period? I have. Were they attended by the same sort of company? Nearly the same persons. Do you recollect the carriage in which she was when you opened the curtains early in the morning? *Non mi ricordo.* Had she more carriages with curtains than one? I believe she had two. Was it possible in either of these carriages for a person to lie at full length? I believe it was. Do you recollect whether Bergami and the Princess were sitting or lying at the time that took place, which you have described? They appeared to me as if they were sitting. Was there any body else in the carriage that morning? *Non mi ricordo.* Did you see whether the Countess of Oldj was there? *Non mi ricordo.* Was there any body else but the Princess and Bergami there? No; I saw them one near the other.

Earl Rosslyn.—When you opened the curtains of the carriage did you ask for orders? No, because the Princess and Bergami, was asleep.

Lord Calthorpe.—I wish to know whether the witness asked to see the Princess after Schiavini had given him his discharge? Yes, the evening before I went away. Did you see her after you had received the certificate? I do not recollect. Did you see the Princess after you understood you were to quit her service? Yes. What passed? The Princess told me she gave me her discharge, in order to give an example to the other servants, that there might be no quarrel in the House. Did the Princess state what the cause of the quarrel was? She told me, because I had had a quarrel with the confectioner, and she did not wish such quarrels should happen in her house. Did she state any other cause of her dissatisfaction? No. Did you make any reply to the Princess? I replied that I did not think that cause sufficient for my discharge. What rank did you hold in the army of Italy, when you entered it? That of a common soldier. Was it on account of good conduct alone, that you were promoted? Yes.

Here the examination by the Peers terminated, and the Attorney-General put some questions to the witness, through the Lord Chancellor.

(Exhibiting a paper to the witness.)—Do you know the paper I now hold in my hand to be the hand-writing of Schiavini? As far as I know it is. Have you seen him write? I have received letters from him several times. I think it is his writing. I am sure of it.

TWENTY-SIXTH WITNESS.

Robert Phaer, a Cashier in the Banking-house of *Coutts and Co.* was called to prove the signature of the Princess to a Certificate of character given to the witness *Sacchi*. He was asked by *Mr. Brougham*, to prove the hand-writing of the King to a paper handed to him, but he was unable to do it.

The Certificate, dated *Pesaro*, November 5th, 1817, was then read. It gave *Sacchi* a most excellent character for zeal, assiduity, and fidelity.

The Attorney-General then offered a Certificate given to *Majocchi*, written for him by *Schiavini*, and some discussion took place on the question, whether it ought to be received, *Mr. Brougham* insisting that it did not appear in the evidence that *Schiavini* was authorised to give it. In the end it was rejected.

The ATTORNEY-GENERAL now requested that their Lordships would postpone the examination of witnesses for a few days. That five witnesses were on their way from Italy, and having heard the manner in which the other witnesses had been treated at *Dover*, they became frightened and returned. They had at the time come half way to England. An agent had been sent after them, and a letter from that agent had been received, stating that they had set out again from this country on the 29th August, and might be expected here in three or four days.

Mr. BROUGHAM objected to this delay as unknown to law, as a Judge or Jury never waited for a witness on the part of the prosecution.

The Lord CHANCELLOR was of opinion that the delay could not be granted, unless the Attorney-General should produce documents in proof of his statement.

The ATTORNEY-GENERAL answered, that he was not then furnished with the documents, but if allowed time would produce them.

NINETEENTH DAY.—SEPT. 7.

The Lord CHANCELLOR said, " *Mr. Attorney-General*, the House is ready to hear any observations you have to offer to its attention."

The ATTORNEY-GENERAL then said,—"*My Lords*, I think it right and proper to inform your Lordships, that within the last half hour I have received dispatches from *Milan*, from the contents of which I am led to think that a longer delay would be necessary to get over the witnesses I alluded to yesterday, that I then mentioned. Under such circumstances, it is not my intention to request from your Lordships any further delay, and have therefore only to withdraw the application I made yesterday, and to apologise for having taken up so much of your Lordship's time."

Mr. BROUGHAM presumed he might now understand that the Attorney-General had closed his case, that is to say, that they were now in that situation that the case for the prosecution was to be con-

sidered as closed, unless circumstances might arise out of the renewed cross-examination to induce the Attorney-General to call other witnesses. Assuring this to be the state of the case, he would now call back Theodore Majocchi, and ask him one or two questions.

THEODORE MAJOCCHI, *cross-examined by Mr. BROUGHAM.*

Do you know a person of the name of Gavazzi? I have heard this name of Gavazzi; there is one of that name, a jeweller at Milan. I never was in his shop, but I have seen him, and he is a fat man.—The Gavazzi I speak of lived in Greville-street, Hatton-Garden, last February; do you know any such person?—The witness here paused a moment, and after putting his hand to his head, in a recollecting attitude, exclaimed, "*Ah Questo mi ricordo!*" This Gavazzi told me he was a relation of the Gavazzi of Milan, for when I came here to London, I met this young man, and he told me so. Did you once, or twice, or oftener, dine with him? I dined twice with him. Was not this a short time before the death of his late Majesty? He was already dead; it was after the death of the King. Did you not shew Gavazzi a letter which you told him you had received from some person here? I remember shewing him a dispatch I had received to carry out from England abroad. Was it not a dispatch you were to carry to Lord Stewart? It was. Did you not also shew Gavazzi a number of Napoleons, which you had received at the same time you got the letter? Yes, Napoleons, which I had received for my journey; I counted them over to him. Now, how many Napoleons did you so count? I believe there were 80. Will you swear there were not 150? (After some hesitation) I cannot swear the number I received; but I received 80. I can swear I received 80 Napoleons in gold. Did you not tell Gavazzi that whoever gave you this, gave you more than you asked to pay your expenses? I did not say so; because I had only told Gavazzi I had got money to make my journey. Will you not swear that you said to Gavazzi that you got more than you asked? I never said so. Do you know one Joseph Visette? I do not know the name of Visette. Do you remember an Italian man who dined in the same place where you and Gavazzi dined? There were many Italians who came and dined and eat rice. Did you not know the Italian who met you there and accompanied you frequently up and down London, to shew you the way, and explain things to you? That's true, because he served me as a guide. Did you mean to say it was on that day the young man told you the people were going to see the King's funeral? He told me the people all went to see the funeral twenty-one miles. Now, did you go with that young man to any particular place where there was a sentinel standing on the gate? Yes. Did you on any of these occasions, when accompanied by your *laquais-de-place*, go into any house where there was a soldier stationed at the door? That was on the first day of my arrival in England, when I brought some letters, and I was told it was the house of the King. Did you go more than once to this house? Yes, I went backwards and forwards. On one of these occasions did you come out of that house

with a Gentleman whom you had found there? Yes, I did. Who was that Gentleman? What I remember, he was Mr. Powell. Did you not make a promise to Mr. Powell to go to his chamber at six o'clock that evening? I did. Did you not go according to your appointment? I did. I understand you to say that you went several times to that large house with your *laquais-de-place*? Yes. Do you remember on one of these occasions taking a note from Mr. Powell to that house? I do. Was not this great house Carlton-house? I do not know; I was told that it was the house of the King. Had you ever any conversation with Mr. Powell about your expenses, in presence of your *laquais-de-place*? *Questo non mi ricordo.* Did not Mr. Powell say to you, in the presence of the *laquais-de-place*, that money was no object, and that you might have more if you wanted? No, no. Will you swear that Mr. Powell never said any thing to the same purpose before your *laquais-de-place*? Mr. Powell never talked about this business. Has Mr. Powell never spoke to you on the business of the Queen? Mr. Powell spoke to me on this business at Milan, when I made my deposition, but not since. Did you ever see this letter before?—(Here Mr. Brougham shewed the witness a letter.)—I do not know; I never knew how to read or write. Do you know a person of the name of Long? I am not acquainted with any such name.

Mr. BROUGHAM here introduced a person of the name of Joseph James Long, and the witness was asked if he knew him he answered that he did.

The Lord CHANCELLOR said, if Mr. Long was to be a witness, it would be improper that he should remain in the house.

Mr. Long left the House immediately.

Was that person, Mr. Long, ever employed by you to write a letter to Mrs. Blackwell? He has written two letters for me, one to Mr. Hyatt, and another to Mrs. Blackwell. Did you not tell him to write to Mrs. Blackwell to the following effect:—"I have safely delivered your letter to your brother, and he was quite well, and he desired to be remembered to you kindly?"—I said, I have left the letter with your brother's wife; because I did not see him. Did you not desire Mr. Long to add, "I have got a situation, and am going this evening to Vienna?" Yes, that I had got a place. Did you ever propose to marry Mrs. Blackwell?—(With very humorous gesticulation.) I wanted to marry Mrs. Blackwell, Mrs. Hughes, and every one that was in the house.—(Great laughter.) Were you in Paris in 1818 or 1819? I never was in Paris at all. (The witness gave his answer before the question was put to him by the Interpreter.)

Mr. BROUGHAM said, he had no more questions to ask the witness.

Re-examined by the ATTORNEY-GENERAL.

You have been asked respecting some Napoleons, which you received before going to Vienna; on what occasion was it that you went to Vienna? As a courier. For what purpose were those Napoleons given you before you went to Vienna? To pay the expenses

of my journey. Were you to account for those Napoleons? I was. Did you ever account for them? Yes, I did account for my expenses to Vienna. You have been asked whether you took a note from Mr. Powell to a great house? For what purpose did you take that note? As far as I can recollect, it was to obtain a passport. How long did you stay on that occasion? About half an hour. Did you go any where else for your passport? Yes, to the Austrian Minister. Did you get the passport? Yes. When I shewed my note. I got the passport. How many times altogether, to the best of your knowledge, did you call at the house? I remember calling three times. You have told us on what account you called the first time; for what purpose did you call the other two times? The second time I went to see if there was any answer to the packet for which I had the receipt; and the third time, because they told me to go there again, having before that got no answer.

Examined by the PEERS.

By Lord ROSEBURY.—When you went to the great house, were you alone, or was any person with you? Alone, alone, alone. Who kept the account of your expenses in going to Vienna? I kept it myself. How could you keep it when you said you could neither read nor write? The Book of Posts shewed all the expenses.

By Lord GARR.—Then are we to understand distinctly that you can neither read nor write? I know only to write my name, and hardly that. I am not able to read letters or keep accounts.

The Noble Earl then ordered that part of the witness's former examination be read over to him, in which he stated, that he could not recollect how long he had been in Mr. Hyatt's service, at Gloucester, because he had not the book with him on which he marked those things.—Ask what he meant by that book? Witness—I said I had not the book to mark upon. I did not say the book in which I had marked, but the book to mark upon.

Lord GARR.—Does he mean to say that he had not the book in which he put this down, or that he kept no book?—*Interpreter* holding up his hands, and in a tone of astonishment—"God bless me! he says now he had no book of any sort to mark upon!"—(Great laughing.)

The witness Majocchi was now taken from the bar.

THE SOLICITOR GENERAL'S SUMMING UP.

He commenced by stating, that the whole of the evidence in support of the Bill, was now before their Lordships, the duty devolved upon him of summoning up to their Lordships the leading points of that evidence, in support of the allegations contained in the preamble of the Bill of Pains and Penalties against her Majesty the Queen. They felt that in the progress of this cause they were not to make themselves party to the inquiry; but to pursue it according to their Lordships' instructions, fairly, candidly, and honestly. Having said thus much, in behalf of himself and his Learned Col-

leagues, the duty now devolved upon him of pointing their Lordships attention to the leading facts, as disclosed in the evidence before them. He trusted that upon reference to that evidence, which he would not now give their Lordships the trouble of reading, they would find the preamble of the Bill mainly sustained. Before he impressed the leading facts upon their Lordships' memory, he begged to state, that he should carefully abstain from either mis-statement or exaggeration. He therefore was bound in strict law, and so were their Lordships, to consider her Majesty innocent of those foul charges ascribed to her until they hear her defence. None could pronounce her guilty, until their Lordships' verdict decided and justified that imputation. Before he went further, he would beg leave to call their Lordships' attention to the nature of the charge set forth in the preamble of the Bill of Pains and Penalties against her Majesty the Queen. That preamble began with stating, that her Majesty, in the year 1814, had, in Milan, engaged in the capacity of a menial servant, a man named Bartolomeo Bergami; that she had, immediately after that time, committed disgraceful and unbecoming familiarities with that person; that she had raised him in her household, and loaded him with honours; that she had placed several members of his family in various situations of honour and rank about her person; and, that she had afterwards carried on for a considerable period, an adulterous intercourse with him. That was the 'head and front' of the charges against the Queen as contained in the preamble of the Bill, and it was his duty to ask their Lordships, if that charge had not been substantially made out in evidence?

The SOLICITOR-GENERAL then proceeded to recapitulate the evidence. He should not follow her Majesty from the time she arrived in Naples and took Bergami into her service as courier. She gave him 25 livres per day. On the arrival of the Queen and Bergami at Naples, for the first time did it enter into her Majesty's head, that Mr. Austin was too old to sleep in her Majesty's apartment. The Solicitor-General then gave a description of the apartments at Naples. On the night after her Majesty arrived at Naples, she went to the Opera, she retired very early, greatly agitated, and went to bed, and Mr. Austin was ordered not to enter her Majesty's room. Her Majesty's agitation was noticed by the female who waited upon her; and on the following morning what was seen? Why, her Majesty's travelling bed was not laid in, but the large bed appeared so tumbled, that the witness thought that two persons had slept in it; and there were stains and spots observed on the bed. After such evidence, could any man doubt that an adultery was committed on the night of her arrival at Naples? No man on earth, after hearing such evidence, could doubt it. The fact of adultery itself, was almost impossible to be proved by direct evidence, but must be concluded by inference from a variety of facts. At Naples Dumont was leaving her Majesty's room one night, and what does she see? She observes Bergami leaving his room and coming towards her Majesty's; this witness had observed something before; and she retired as soon as possible, to allow Bergami to pass to her Majesty's room without obstruction, and as soon as Bergami entered, the witness swore the door was fastened. He would now observe, that he had no doubt but he should prove to their Lordships, that the evidence of Dumont was worthy of belief. Her Majesty went to a ball at Naples; who was the person who was in the room when she was changing her dress? why, Bergami; and the waiting-maid was waiting in the anti-room at the time. Why should Bergami be in the room? and would her Majesty have suffered a footman, a common footman, to act so familiarly, if

the act of adultery had not been committed? Her Majesty was dressed in a Turkish dress, and Bergami was dressed as a Turk, and they went to the ball arm in arm; but Bergami returned soon after. What, my Lords, was it discovered who Bergami was; and he was compelled to return in shame. The Solicitor-General then referred to the evidence of Majocchi; her Majesty passed through his room, and went to Bergami's room. It was said why it must have been an act of insanity for the Queen to go through Majocchi's bed-room when she might have gone in another direction, without passing through his apartment. He (the Solicitor-General) should reply to that, he believed her Majesty acted judiciously in going through Majocchi's apartment; she believed him asleep, and if she had gone in the other direction, she ran greater risk of being discovered. He contended that the evidence of the witness Majocchi was unimpeached.—What did the witness say, when examined about the beds at Genoa; she said the Queen's bed did not want making in the morning, it was clear the bed had had not been lain in. It only wanted smoothing down. Could any one doubt that an adulterous intercourse had been carried on at Genoa. He replied. No. There was another fact; Bergami breakfasted with her Royal Highness in the small cabinet at Genoa. This fact did not depend on the evidence of Majocchi, or Dumont; and, they were waited upon at breakfast, by whom? by Louis Bergami; and if this were not true, he challenged his learned friends to call Louis Bergami to contradict it. He should have to make many challenges to them before he concluded. What was the conduct of Bergami after he had gained such an influence over the Princess. He endeavored to make his situation as profitable to himself and his family as possible; he introduced his mother, his brother, his sister, his cousin, and his child; yes, his child, my Lords, a little child only two or three years of age. From Genoa her Majesty proceeded to Milan. Lady C. Lindsay joined the suite of the Princess at Genoa, and left soon after, and when the latter arrived at Milan, she took a lady of honour into her service; and who is the person? Why, the sister of Bergami; she fills the convenient situation of the lady of honour, for the purpose of screening the intercourse between the Princess and her paramour. Another fact strongly proving the guilt of the parties was the one sworn to by one of the witnesses who saw Bergami at his bed-room window in a silk dress, which dress was at that time worn by the Princess. Another fact, not depending on the evidence of Majocchi or Dumont, was among other proofs of the guilt of the parties. It was proved by the evidence of the third witness, the servant at the inn, who saw a jeweller bring a gold chain, which, after the dinner party had retired, her Majesty placed round the neck of Bergami; these familiarities passed between a Princess and courier, a man dressed as a courier, as was sworn by this witness. After her Royal Highness's return from Greece, when there was no direct communication from her apartments, what was done? why a door was made, and a free communication was made for the purpose of facilitating the adulterous intercourse carried on between them. What was the conduct of these two persons towards each other? They acted like man and wife; and walked arm in arm together; they were seen in a canoe on the lake together;—they kissed each other; and privately, in a garden, they were seen kissing by a man whose evidence could not be doubted. This is not all; Bergami went into the Princess's apartment night after night, and after these facts had been sworn to, would any one doubt the construction or conclusion which must be come to upon facts being proved. The Counsel then related the evidence of the mason, who swore to having seen Bergami and the Princess in a room where there were figures of Adam and Eve, and they removed the fig-leaves and laughed. At Messina, Dumont is called out of bed by the Princess of Wales, in her night clothes, and passed through the bedroom of Bergami. When Bergami asked to go to Messina, they parted in a most affectionate manner, and kissed and embraced each other. On board the *Hornada*, Captain Peischal insisted upon her Royal Highness dining separately from Bergami, as the Captain would not dine at the same table with a man who had waited behind his chair. Her Royal Highness refused to make this sacrifice, and Bergami dined with her constantly during the voyage. At Ca-

tanis the arrangement of the apartments was altered in consequence of the illness of Bergami, who was put into the room of the Princess Oldi. One morning her Royal Highness, with the pillows on which she usually slept, came out of Bergami's room, and passed by Dumont, of whom she took no notice. Dumont swore that she had been two hours in her own room without seeing her Royal Highness, so that the Princess must have been in Bergami's room at least two hours. In order to impeach the testimony of Dumont, upon which this fact was stated, the Counsel referred to letters written by Dumont, but there was nothing in the assertion of the Queen's charity and kindness inconsistent with the degrading influence of the adulterous intercourse with Bergami. Besides Dumont had reason to think that these letters would be intercepted, and wrote accordingly; as one was subsequently found in the possession of her Royal Highness. The letters had evidently been written carefully in order to prevent the dismissal of the sister, to whom Dumont was warmly attached. The evidence of Dumont had been confirmed by other witnesses. If Bergami had been advanced merely for his service to an honorable mistress, what better answer could be given than by Bergami himself, who could be called to swear that Dumont had basely calumniated her Royal Highness. Bergami had been three or four years as courier to General Pino, without promotion, and yet in a few months, when in the service of the Princess, he becomes a Knight, a Baron, and possessed of considerable property. What could all this be for? At Catania, her Royal Highness was painted as a penitent Magdalen. This was nearly a naked picture, and was subsequently found in the possession of Bergami, as was also of Bergami, found in the possession of the Princess. On board the *Clorinda*, Dumont saw Bergami in the same room with the Princess, lying in separate beds. At Messina, in a hired vessel, arrangements had been made for that voyage, which the Princess had altered so that the room of Bergami might be near that of her Royal Highness. This was done at Augusta. The same arrangements continued during the whole voyage. On leaving Tunis, Bergami's bed was put into the dining-room, out of which there was a door into the sleeping place of her Royal Highness. After they left Jaffa, a tent was placed upon the deck. What did the Captain say? Recall to your minds, my Lords, the fact of Bergami leaning over the sofa on which her Majesty lay, and he was in such a position, that the Captain was obliged to order the crew away from such an indecent exhibition. There were two beds under the tent; Bergami was seen under it late at night, and early in the morning. And during the day they were seen laying on the bed, and the tent was closed by special orders. At Aum and Ragusa, the tent under which her Royal Highness slept had two beds, and both herself and Bergami slept under the same tent reposing for hours. He did not say, that an act of adultery was committed under the tent, he could not possibly say so, though it was probable, because the intercourse had been carried on so long, that it was possible the crime might have been committed under the tent. Could their Lordships, however, doubt, that the crime was frequently committed. What was her Majesty's conduct on her return from Greece. How was her Majesty received in Italy, where Englishmen were always popular, and received with honor. How was the Princess received, the wife of the Heir Apparent of the Crown of this country? Why, she proposed to be elected a member of the Cassino, and was rejected. What must have been the opinion of the Italians, even of her conduct? What was her Majesty's conduct at Charnitz? Bergami was sent on some business and returned in the night. When her Royal Highness went to bed, Dumont and the little Victorine was sleeping on another bed in the room with her Royal Highness. Well, how did the Princess act on Bergami's return? she sent out Dumont and her bed, and Bergami comes into her apartment, and there remains; but how long not exactly known; probably all night; and on the cross-examination it was stated, that the Princess wore a gown or robe with fur round the neck, but that was no disproof that Bergami had remained in the room all night; and if he did remain there, could any one doubt, that the crime charged was committed? He referred to the transaction at Carlshue. How did the witness Barbara Kresse conduct herself? Why so as to strike conviction to every mind

that she spoke the truth. 'What did she swear? she deposed that she saw Bergami's arm round the Princess's neck, and other facts, which it was, he was sure, unnecessary he should advert to. What did a recent witness Rastelle say? He described the meeting of the Princess and Bergami, when the Princess went to meet him. What did he say? Why, when they met they both left the carriage and embraced, and then rode home together. What was the evidence of Sacchi? He says, at Rupinelli, he went into Bergami's room, and Bergami was ill, the Princess was laying on the couch by the side of Bergami's bed. The same witness saw Bergami at the Villa Grande go to the Princess's bedroom in the middle of the night; the witness remained an hour at his window and did not see Bergami return. He saw this act repeated, and such testimony before an ordinary tribunal would be admitted a sufficient proof of the crime of adultery having been committed. And the witness had not been shaken by the cross-examination, but rather stood higher in their Lordships' estimation; He did not think it necessary to state more facts. Much had been said of the Milan Commission, it had been daily and hourly wrung in their ears. It would have been impossible that such an enquiry could have been properly and effectually made, had not his Majesty's government appointed that Commission. He sincerely hoped her Majesty might be able to disprove the evidence that had been brought against her, and unless she did the charge in the preamble was completely proved.

After the SOLICITOR-GENERAL had concluded his Address,

The Earl of LONSDALE thought that the proper stage had now arrived for putting a question of great importance to the Noble Earl at the head of his Majesty's Treasury. He wished to ask his Lordship whether, on reflection, he was now disposed to withdraw the Divorce Clause in the Bill? Were the answer in the affirmative, her Majesty's Counsel would then know how to confine themselves, in their defence, to the clause of Pains and Penalties.

Lord LIVERPOOL said it was impossible to make any alteration in the Bill till the case in evidence was concluded, till the Bill has gone into a Committee, and the clauses are under discussion. At the same time, his Lordship had no difficulty in stating, if there were any strong feelings, either in the House or in the country, against the clause of Divorce, to consent to its being withdrawn.

Lord GREY felt himself bound to declare, that he now thought the clause of Divorce a necessary consequence of the clause of Pains and Penalties. If the Queen were degraded, she could not be allowed to remain Queen Consort. To entertain the Bill without the clause of Divorce, would be to make it a Bill to degrade the King as well as the Queen, since the omission could only arise from some suppositions injurious to the character of his Majesty.

Lord DONOUGHMORE thought the question of the Noble Earl (Lonsdale) had no other object than to smooth the way of the Bill amid the difficulties with which it was encompassed; that its great aim was to relieve the consciences of the Bench of Bishops, who were understood to be hostile to this part of the Bill. He for one would never consent to any such alteration in the Bill.

The conversation on this point here dropped.

Adjourned.

TWENTIETH DAY.—SEPT. 7.

Counsel were called in and the Lord Chancellor thus addressed Mr. Brougham :

I am commanded by the House to ask you Mr. Brougham, in what manner you propose to proceed with your defence ?

MR. BROUGHAM—My Lords it is our intention to proceed forthwith.

THE LORD CHANCELLOR.—Mr. Brougham I understand that it is my duty to ask you whether you mean to proceed at once with your case, or to open your case, and then pray for time ?

MR. BROUGHAM :—It is probable, My Lords, that we shall call witnesses ; in which case there are two classes of witnesses, to one of which the observation of delay applies. If I shall be advised to call evidence ; and, in the second place, if I shall be obliged to call evidence not now in the country, then it will be necessary for me to entreat the indulgence of the House for a short delay, after being heard, to open our case.

In consequence of the application for a longer delay, the Queen's Counsel were ordered to withdraw.

LORD LANDSDOWN did not precisely know what motion was before the House, and he requested the Lord Chancellor to give some information about it.

THE LORD CHANCELLOR—The motion is this—That Counsel be called in and be informed that if they now proceed to state their case, they must, on their closing that statement, if they meant to adduce proofs, that they must go on with them ; but if not, that the House now adjourn for such reasonable time before the case is stated that the Counsel for her Majesty shall propose, in order for them to proceed.

The Lord CHANCELLOR then put the question that Counsel be called in, and instructed as to the course of proceeding.

A division was loudly called for. The numbers were declared as follows :—Contents 165. Non-Contents 60. Majority 105

Counsel were then called in and the Lord Chancellor informed them of the decision of their Lordships, that it had been determined to allow the Counsel for the Queen liberty, either to proceed immediately with the whole case, or to postpone it to some future period ; but that they would not suffer any statement of facts at the present moment, without the production of the whole evidence for the defence.

MR. BROUGHAM addressed their Lordships. He said, that he had no difficulty whatever in commencing at the present hour, the statement of the case on the part of her Majesty ; but finding that the determination of their Lordships had been against his proposition, he must bow with submission to so high an authority. He begged leave however, to make another application to the House. He had again to claim the indulgence of their Lordships to be allowed in the present stage of the proceedings to be heard, in commenting upon the case already made out on the other side, binding himself in the course of that commentment, not to offer to their Lordships one single word descriptive, or in any way opening or alluding to the

particulars of any statement of evidence which he might hereafter advise her Majesty to bring forward.

After a short pause the Lord CHANCELLOR rose from the woolsack. He conceived that the comment to which the Learned Counsel had alluded, was, in the strictest sense, part of the statement or opening of the case for the defence; and that it would be an act of injustice to allow the Counsel to divide them. It was but just that the value of the comments should be estimated by the weight of the evidence to be adduced in support of the case of her Majesty.

The Lord CHANCELLOR put the question upon the motion, and the non-contents were extremely loud. The division then took place. The numbers were:—

Contents, 49. Non-contents, 173. Majority, 124.

The Lord CHANCELLOR accordingly instructed the Counsel of the Queen, that their Lordships had decided against this proposition also.

Mr. BROUGHAM then said, that he had another application to the House, but he begged that he might be allowed time until to-morrow at ten o'clock, before he submitted that proposition to their Lordships.

This conceded. Agreed that the House meet to-morrow.

TWENTY-FIRST DAY.—SEPT. 8.

Earl GREY moved that the Counsel should be called in, and asked if they would be ready to proceed on the day proposed by them.

Mr. BROUGHAM said that they were very unwilling to take upon themselves to name the precise day for commencing. Having stated to their Lordships the wish of their illustrious Client, and knowing that their Lordships knew how to appreciate the motive which made her Majesty so eager to meet the accusations, they, her Counsel, would rather leave it to the kindness and condescension of the House to fix the day. But as their Lordships had so obligingly offered them the choice of time, he would inform their Lordships that he had consulted with the Queen's Solicitor, Mr. Vizard, a most respectable person, and one who was likely best to understand what was needful for the defence. This Gentleman had assured him (Mr. Brougham) that his part of the arrangements could not be completed within the time which he had first mentioned. He would ask their Lordships, therefore, to allow them till the 3d, of October.

Lord ERSKINE thought that the House must yield to the request of the Queen's Counsel.

The Earl of DARLINGTON thought it a monstrous proposition, after having heard the Counsel declare so frequently, that they were ready to proceed with the defence. He had particular objections to allowing the request just made to the House.

The Earl of LIVERPOOL thought that the House had no alternative. The request of her Majesty's Counsel must be complied with.

The Lord CHANCELLOR put the question as follows:—"Is it your Lordships' pleasure that your Lordships should proceed further with this Bill on Tuesday, the 3d day of October next.

It was carried in the affirmative.

Adjourned, to Tuesday, the 3d day of October.

THE QUEEN'S DEFENCE.

TWENTY-SECOND DAY.—OCTOBER 3.

THE House of Lords having met, agreeably to adjournment, to proceed in the investigation of the charges against her Majesty the Queen. After the Clerk of the House had read over their Lordships' names,

LORD LIVERPOOL rose, and stated that in consequence of a conversation which had occurred in the House when their Lordships were last assembled, respecting the letter which had been read from Mr. Marietti to his son, he had thought it his duty to write to Colonel Brown, in order to obtain what information he could give on the subject.—He had received an answer from Colonel Brown, which his Lordship proceeded to read to the House. It stated that, in reply to Lord Liverpool's letter of the 5th of September, he begged to say that he had never spoken one syllable to Mr. Marietti, the elder, on the subject of the Alien Bill; but he recollected that he had seen a clerk of a respectable banking-house, one Albertoni, to whom he mentioned that he (Colonel Brown) had heard from London that Joseph Marietti visited Sacchi, and asked him questions respecting the proceedings against the Queen. He (Colonel Brown) said, he could not conceive how it would promote his interest, or what connection it had with his business to interfere in the subject. Since receiving Lord Liverpool's letter, he had written to Albertoni, and also to Mr. Marietti, the elder; which letters, together with the answers to them, he enclosed; and when these papers were submitted to Government, he (Colonel Brown) trusted that it would appear he had done nothing which was unbecoming his situation, or that could be injurious to the administration of justice. Lord Liverpool then read the letters referred to, which generally corroborated the letter of Colonel Brown.

LORD HOLLAND said, that allowing every thing which had been stated to be perfectly true, it did not prove that the influence of the Alien Bill had not had a prejudicial effect upon the matter in question, as it evidently was the cause of great alarm to foreigners.

LORD LIVERPOOL observed, that the letters were before their Lordships, and might be read by them if they thought proper.

LORD DARNLEY, after a few observations, moved for an account of the expenses attending this proceeding.

LORD LIVERPOOL said he had no objection to such an account being produced at a proper time, but he objected to it pending the proceedings.

The Lord CHANCELLOR then put the question, that Counsel should be called in, and they accordingly appeared at the Bar.

Mr. BROUGHAM.—“My Lords, the time has now arrived when it becomes my duty to address your Lordships upon this most momentous of all momentous cases. It is not the august presence of this Assembly which impresses me, for I have sometimes experienced its indulgence—nor is it the novelty of this proceeding that perplexes me, for the mind gradually gets reconciled to the most extraordinary deviations from the common course of things; neither is it the magnitude of this case that appresses me, for I am borne up in my task by the conviction of its justice, and by the approval of all mankind; but, my Lords, it is the force of that conviction—it is the knowledge of the sentiments which are universally entertained by all parties of the innocence of my illustrious client that now dismays me with the persuasion that my unworthy mode of advocating her cause may for the first time occasion doubts on her case, and induce your Lordships to pass that judgment which the charges that have been preferred are calculated to solicit from you. I am so troubled that hardly at this moment, after all the time for reflection which your Lordships’ indulgence has granted me, can I compose my mind to the discharge of my professional duty, under the grave responsibility which impends on my head. Before these proceedings are closed it may be my unexampled bad fortune to have to state some things—the mere mention of which may call in doubt my loyalty as a good subject, but I trust not with your Lordships. My Lords, the Princess Caroline of Brunswick arrived in this country, in the year 1796, the niece of the Sovereign, the intended Consort of the Heir apparent to the Crown—herself not a very remote Heir to the Crown of England. (Here there was a breathless pause of expectation in the House.)—But, my Lords, I now go back to that period, only for the purpose of passing over the whole time till the year 1814, when her Majesty left this country. I rejoice that for the present the most faithful discharge of my duty to my client enables me to do so. But I cannot do so without pausing to guard myself against an imputation (not an unnatural one,) and to assure your Lordships that were it not that the cause of the Queen, as affected by evidence against her, not only does not require me to make an attack upon her illustrious Consort, but would be injured by such a course, and I should have felt it my painful duty to submit evidence on that subject to your Lordships. In abandoning for the present that discretionary power; in postponing for the present to produce the evidence, I wave a right which undoubtedly belongs to me; I abstain from making use of materials which I possess. And if I should be so far disappointed in the failure of the case against me, that the futility of the whole accusation should not be manifest to your Lordships, I am sure that not only I, but not any, the youngest member of the profession, would hesitate in the fearless discharge of the duty which would then fall on an advocate. I once before took occasion to remind your Lordships (which to you was unnecessary, but which to others may be necessary,) that an advocate should know but one interest in the world, that of his client; to protect that client at all hazards—to protect that client at the risk of all danger to others, and among

others to himself, is the highest, the only duty of a counsel. The alarm, the trouble to the country, the destruction which he may bring on any others, is not to be regarded by him—he must go on reckless of consequences; and if his fate, unhappily, be to involve his country in confusion, the scruples of the patriot cannot make him swerve from the distinct line of his duty. I feel that now, however, on entering on that branch of my case, I should seem to abandon the higher ground of innocence—I should seem to justify, when I plead not guilty, to acknowledge those offences or levities, or indiscretions, the least of which I stand here to deny. It is false and foul to say as those who, under the pretence of their duty to God, forget their plainest duty to their fellow creatures, have asserted, and they knew that it is false and foul when they assert it—that there are any improprieties admitted on the part of the Queen. I deny that they are admitted; I deny that the evidence proves it; I assert that the evidence disproves it. One admission I make, and let my Learned Friend take that and make the most of it, for it is all I shall admit: I grant that her Majesty left this country for Italy—that she associated chiefly with foreigners; I grant that she associated with company inferior to that among which she here moved; I admit that while she was here she had enjoyed, not the protection of her own family, but the company of your Lordships, and the families of your Lordships; I admit that when she left England she moved among not equally choice, perhaps not equally dignified society; that sometimes instead of English Peers and Peeresses, she mingled with Italian nobility, and sometimes even with Italian commonalty. But who are they that bring this charge? Others may point out to her Majesty the consequence of going abroad; the inconveniences of resorting to Italian company. But whoever they may be, who bring this charge, it is not for your Lordships to do so. You are the last persons in the world who should talk of this. You are the witnesses whom I have to call to vindicate her Majesty from that charge. You, being the witnesses, are the instigators of that only admitted crime.—While here, the Princess of Wales courteously opened the doors of her palace to the families of the Peers of England; she condescended to mix with those virtuous persons; she condescended to court your society—and so long as your associating with her could second views which were not her views—so long as interests (which were not her interests) could be promoted thereby, she did not court it in vain. But when the change came—when that power which she was made the instrument of grasping, was to be retained by other means—when the lust of place and power, of which she was the instrument and the victim, saw that it was to be gratified elsewhere, she courted your company in vain. It was then that Peers and Peeresses whom she had condescended to court (condescended without humiliation, for it is no humiliation to condescend to mix with the best company in the world)—those Peers and Peeresses now deserted her. Then was her Royal Highness driven either to acknowledge that your Lordships had deserted her, and to court other classes of society, or to leave the country. It is not,

therefore, in presence of your Lordships that any one will dare to lift up his voice to complain that the Princess of Wales has lived in Italy—that she has there mingled with society which perhaps she ought not, which she would not have mingled with if she had had the honor and happiness of continuing to be visited by your Lordships and families—by the Peers and Peeresses of this her adopted country. In the midst of the injury thus heaped upon her, she still had one support in the undiminished respect and affection of her much-loved, and revered and lamented daughter. But when the marriage of that daughter was in contemplation; when all England was occupied with this subject which so much concerned it; when all Europe was turning its attention to it—England heard it announced; Europe heard it announced; the only person to whom it was not announced was the mother! All she had done to merit this neglect on the part of the illustrious person at the head of the Government was, that she, by the evidence which he had brought against her had been proved innocent of the crime with which he had charged her as to his servants, that they had, courting her favour, been raised to office. When that marriage actually took place, it was only known to the mother of the Princess Charlotte by a courier sent to announce the union to the Pope—that ancient, and valued, and faithful ally of the Protestant succession. The hope that the marriage would be the fruitful source of heirs to the British Crown remained for some time to comfort the mother of the bride; but the whole of that period elapsed without one communication to the Princess of Wales. And if the Princess Charlotte of Wales had wished to open a communication, she was in so anxious a state of mind, from the perils of a first pregnancy, that she could not have made the attempt without danger, having to struggle against power and authority on the one hand, and affection on the other. A fatal event then happened, which was communicated to the Allied Powers, who might sympathise in it, and even to powers not allied to us, by special messengers. But the person who had the most interest in the event was left to have her feelings stunned and overwhelmed, by hearing by accident of the death, as she had heard of the marriage, of her daughter. The decease of the Princess Charlotte of Wales was only signified to her mother by the issuing of the Milan Commission. See the unhappy fate of this Illustrious Woman!—Her lot it has been always to lose her surest stay, when the greatest dangers threatened; and hardly has there been one loss which she has sustained, which has not been the signal for an attack upon her existence! Mr. Pitt, her first defender and early friend in this country, died in 1806; few weeks elapsed before a charge of Treason was made against her. Mr. Pitt left her as a legacy to Mr. Perceval.—Mr. Perceval was her firm, able, and undaunted advocate. No sooner had Mr. Perceval fallen by the hand of an assassin, than she felt it by the renewal of the attacks, which his gallantry and uncommon constancy had dissipated. Mr. Whitbread was then her defender: when that catastrophe occurred which good men of all parties lamented, she then heard the distant rum-

ding of another storm, which did not then approach her, for her daughter stood her friend, and the world then worshipped the rising sun. When that daughter died, all she dreaded (for who delights to be persecuted?—who likes to be subject to the incessant renewal of incessantly refuted charges?)—all that storm which had been gathering burst on her head by the appointment of the Milan Commission. And, as if no day of loss to my Illustrious Client could pass without some act in the drama against her, the day on which her constant friend, and our late revered Sovereign, was laid in the earth, that same sun ushered the ringleader of the band of perjured witnesses into the palace of her consort. I do not mention these things to introduce the trite observations, that trading politicians are profligate; that spite is twin brother to ingratitude; that no favours can bind false natures; these topics are trite and futile, and general; and I should be ashamed to trouble your Lordships with them. I only mention these things to show the hardships which my Client has suffered, and the increased weight of responsibility, which is thrown upon me in the discharge of my duty.

Mr. BROUGHAM then adverted to the palpable falsehood of the witnesses for the prosecution, and said, he would give their Lordships some samples of it, from which they might form a pretty good guess in what manner it was likely to succeed; for this purpose he would take one or two of the leading witnesses brought forward by his Learned Friend. His Learned Friend had first stated, that he would bring forward witnesses to prove her Majesty's misconduct down to the present time, and then he produces witnesses, who swear to her misconduct to within three years of the present time; that is, a space of time exactly equal to the other part of the period, for which his Learned Friend had alleged the criminality of her Majesty to have continued. Then at Naples, his Learned Friend had stated, and he prayed their Lordships' attention to this, he should show there were decisive marks of two persons having slept in the bed. Upon her return from the opera, he said, she went to Bergami's bed-room, and was inaccessible on the following day. Every one of these facts, as stated in succession, rises in importance one above the other; and every one of which he not only fails to prove, but is actually negatived by the witness brought forward to support them. Dumont, who swears to nothing decisive, but is doubtful and hesitating upon every circumstance, with one exception, which he would allude to hereafter, denies she knew at what hour the Princess returned; denies she knew where Bergami slept, and says, that her Majesty was up the following day at her usual hour. Not a title of any one having called on her Majesty, nor, of course, having been denied admission. He came next to what his Learned Friend described with unwanted precision; but he, (Mr. Brougham) would show their Lordships, that he, (the Attorney-General) nor his Learned Friend the Solicitor-General, knew any thing whatever of the country about which they were speaking, and as little about a masquerade. As for a masquerade, said the Solicitor-General, who ever heard of the wife of a Prince Regent going to a masquerade?

And then the private manner in which she went! She did not go in her own state coach, with bedizened trappings, with all the pomp of a princess; she went in a hired carriage, says he, without the Royal Arms painted on the pannels; and she actually went out at the back door, instead of going by the front, and displaying to the world the great feat she was about to accomplish. He (Mr. Brougham) wondered he had not added, that she disguised herself in a domino. To be sure his Learned Friends had not obtained the information from their own knowledge of Murat's Court; but they had it from Dumont and Majocchi, who just recollected every thing that was not true, and forgot every thing that was true. Then says, his Learned Friend, I am instructed to state, that the dress of the Queen was most indecent and disgusting, and so much so, that she was hooted from the public theatre. The witness, however, only said that her dress was exceedingly ugly, and that she wore an ugly masque. Her Majesty being disguised in a masque, and consequently unknown, she was of course attacked in joke by other persons wearing ugly masques, her dress being of the same description. He (Mr. Brougham) would fatigue their Lordships if he were to go over the whole of the Attorney-General's case, but he (the Attorney-General) had said, that at Messina the Queen and Bergami were locked up together at night in the same bed-room: and at Zavanon, on the 12th of April, the only access to her bed-room was from his. The witness, however, only swore to one of those facts. His Learned Friend had said, that she remained a very considerable time in the room with Bergami, during which they were heard kissing each other. He (Mr. Brougham) had no doubt his Learned friend had this fact in his paper, but he had it no where else. A courier, he said, who returned from Milan, would prove that upon his entrance Bergami came from the Queen's room—that he was confused, and explained the reason of his having been there, saying that he had heard his child cry, and had gone to see what was the matter with it. Sacchi, not only does not speak of such a thing but denies it as strongly as a man can deny any thing, by denying all recollection whatever of it. It was not from the want of being well questioned, for the Solicitor General had questioned him about it over and over again. Then his Learned Friend comes to those disgraceful scenes which rendered the Queen's house more a brothel than the residence of a respectable woman, and then their Lordships were told that the attendants were shocked at what was going forward at Naples; and at Sicily they had no doubt of her criminality from what they saw and heard.

However, not one word is told by the witnesses of what was going on. He (Mr. Brougham) would come hereafter to what they had told.

Mr. Brougham then observed upon the statement of his Majesty's Attorney Gen. that no respectable persons had kept company with the Queen, and asked how he had forgotten Lady C. Lindsey's joining her after all this shocking conduct, also Lady Campbell, &c? Notwithstanding the servants had been all astounded at her indecency some joined her at Naples, some at Genoa, at Leghorn, and at Rome. But even much later than this period, her Majesty was not treated

abroad with that neglect which had been alleged. In the first place she was courteously received by the legitimate (so far as descent can legitimise) by the legitimate Duke of Baden; she was also not only received but courted, by the legitimate Stewarts of Sardinia, who were, according to some persons, more legitimate than the Brunswicks, to whom, my Lords, we all willingly owe and pay allegiance. Now her Majesty was not only thus received by these Princes, but by a Sovereign, whose legitimacy was, if the lapse of ages gave legitimacy, more legitimate than his Excellency the Bey of Tunis. She was also received by the Representative of the British Nation, at Constantinople. In short every where and on all occasions, she was received by persons of the first distinction. Suffer me now, my Lords, the indulgence to look a little more narrowly at the case opened by the Attorney-General, and which has not been proved by him. The first thing worth remarking, which must have struck your Lordships, was, that it was marvellous, with all the means which the other side possessed, they had not only fallen short of the case which was opened, but short of any foundation for the charges against her Majesty. Was there ever a case of Crim. Con. brought into a Court of Justice, where the accusers had the very two witnesses to produce, who must if any witness could do it, prove their case—the body servant of the man, and the female servant of the Lady, her own waiting-maid? In common cases the parties are panting about witnesses of this description; and in fact, the man's servant is never got by the plaintiff; but if hold can be had of one of these servants, the case is considered to be proved. Another point deserving of the most serious attention was, that according to the evidence adduced, it was not from over caution, or from the observance of restraint, or the consciousness of being watched, that the case had failed; for if every thing is believed which has been sworn to, every regard to decorum was laid aside—all considerations of prudence were even laid aside, and all the parties gave way to their passions as if they had been in the hey-day of life, and as if they had been bound to each other by those sacred ties which, as it were, made the indulgence of their desires a virtue and not a crime. When I said that there was no circumspection used by the parties, I referred to the improbability of the evidence produced; and I say my Lords that in every respect, it is at variance with probability. The parties are said not only to have used no caution, but to have cautiously used every means of discovery on themselves which their most malignant adversary could wish for; and when your Lordships have duly considered the subject in this light, the influence is irresistible. In proportion as the acts alleged are criminal, in the same proportion are the witnesses numerous, and their opportunities good. In short, unless human nature is altered, no human beings could have acted as her Majesty and Bergami are said to have done. When walking arm-in-arm they are seen but by one person; but when sitting in familiar proximity to each other, they are seen by a number of witnesses; and when they have their hands on their necks, and about their waists, this is done while the door is open

and in the light of the sun, where there was 1000 persons walking, and a number of workmen on every side of them. They are asserted to have several times saluted; but a kiss never occurs without care being taken that witnesses should be present. One of the witnesses at Naples, had left the room, and they wait until he returns, before they embrace. At Terracina they retire into a room, but not alone, and they wait until Majocchi enters, before the familiarity takes place. They are seen sitting close together on a gun on the deck of a vessel—this is an act of a still higher colour, and it is therefore stated to be done in the presence of 11 persons—but when they are sitting in such a manner as to leave nothing to the imagination, this occurs in presence of all the passengers and crew, and in the height of open daylight. But the case is not left here. The parties are nothing less than the allies of their accusers—so far is this done, that Bergami cannot retire into a room with the Princess to change their dresses, to strip themselves from head to foot, but the honest Swiss waiting-maid is placed at the door, and told what they are going to do, and that she is to remain there until their purposes are accomplished. I wish I could stop here, said Mr. Brougham, and leave the rest of the disgusting details to the other side; for every thing that could disgust—every thing that was calculated to contaminate the mind, is stated to have occurred. It is not however, in those receptacles of vice, which are too common on the Continent, that they retired into to indulge in such excesses. It is not into some of those modern haunts in an obscure island, which were of old resorted to, even when manners were looser than they have been in modern times: but in the midst of the world—in open daylight under a meridian sun; and not only this, but they commit acts of the grossest familiarity before a courier, who has been but three or four months in her Royal Highness's service, and without a veil of any sort to conceal such conduct. Was ever vice so unwary—was ever such folly exhibited—was ever passion so unmasked? Even when the blood was boiling in youth, was there ever beings so recklessly—so insanely regardless of every consideration that belongs to human nature? The Queen comes to England and confronts the witnesses, which are brought against her, notwithstanding the threats with which she was overwhelmed, and refused every offer to compromise her honour. He (Mr. Brougham) had read human nature very erroneously if these were not the symptoms of innocence unsuspected. If he were to pass over the whole case with but little comment, and but few observations; if an ordinary case would not be refuted by evidence upon which the present was supported—evidence the most unimpeachable, the most pure, and the most immaculate—he was then ready to acknowledge himself in the wrong. First, what was the description of evidence which had been brought forward? Servants who had lived for years in her Majesty's service—servants who had been well tutored abroad, and then were brought to this country, to which they might never return, and to speak before a tribunal of which they were unacquainted, and from which they had no reason to dread any thing,

and in a country where they had no character at stake. These were the very persons such conspirators would employ. All foreigners are not made of these materials; but if there was not one nation more adapted to such a plot than another, he was convinced it was the country of Augustus, where it was proverbial that evidence could always be procured for money from among the lower classes in Italy. There are, however, as among all other nations, the most respectable individuals in whose hands he would think his life and honour as safe as in those of their Lordships; but he spoke of those who had been by various means brought together without respect to party, by money and power; for these supposed conspirators had lavished money in abundance, and where money would not accomplish their object they had recourse to power. But how had they been marshalled for the purpose? Uniformity and agreement being the first things to be considered, they had been taken, one by one, and examined before some persons at Milan.—They were then moved in bodies through the country, and many of the persons who had acted as Messengers were persons intended as witnesses, thereby giving them an interest and an opportunity of perfecting themselves. Then observe how long this drilling had gone on; it had not been done in a day, nor a week, nor a month; it had been the work of weeks, months, and even years. They had fixed their headquarters at Milan. The witnesses had been there examined, one by one, to prevent the want of uniformity among them. The mate was carried to Milan; as was also the captain of the vessel, who had been even taken back to that place for the purpose of undergoing a second drilling. Thus came to appear that great unison and similarity of language which appears to pervade all their testimony; and in order to meet this, they swear, with safe consciences, that they never opened their mouths to each other, and that they never directly or indirectly communed together, or by sign or gesture made any observation respecting the evidence. Every precaution had been, no doubt, taken to meet this objection. An honest historian, Bishop Burnet, who favoured the Reformation, and being in consequence much disposed to favour the divorce of Henry VIII. gives us an account of the proceeding on that occasion. It is a strange coincidence, that the gentleman employed on this eventful occasion was similar in rank to him mentioned by the Learned Prelate; and a stranger coincidence is, that this gentleman's name was Cook, and he went up and down to procure witnesses against her Majesty. He writes, that what these people received was as a compensation, not a recompence. And upon a similar occasion the Italian agent writes (we of course have not got hold of the letter): "My fidelity advertises to your Highness, that all the Lutherans are against your Holiness's power.—But I doubt not but all the Cardinals, if well handled, will earnestly uphold your Holiness's power. But be assured I am not sufficiently furnished with money; if I were I could procure upwards of 110 Divines. Ponder well, and you will see how destitute I am, and that all my good endeavours, are going for nothing." Now, my Lords, this person having left

his papers behind, posterity will be able to see the tariff of expense which regulated these learned Divines' actions. I shall read a few of the items:—To a Jew Doctor, three crowns; to the Prior of St. John and St. Paul's thirty crowns (as he had written a book in favour of the divorce), for it happened that the authors were paid better than the advocates. Bishop Burnett sums up this with his usual honesty, and says, this proves how much they must have prostituted conscience that could so cheaply sacrifice their opinions. General Acton, who held a high situation, having been accused of a conspiracy, addressed a letter to the country, in the Italian language, wherein he says, a shop is kept for witnesses to belie and blacken every character, to the dishonour of human nature, and these were to be had for three or four ducats. Accordingly, those who have occasion for witnesses, have only to cast away remorse and open their purses for perjury, for the receipt of which a shop is open. And now, I assert, that through these witnesses a proposition, as atrocious as ruinous, and as incredible, is brought forward, as that of an Italian suborned to injure a human creature! I have been drawn aside, my Lords, from my observations. You remember the Attorney-General opened his case with the description of a dancer; and endeavoured to illustrate an exhibition the most brutal and humiliating to human nature. He describes the most indecent attitudes of sexual intercourse. I will show you how the Attorney-General knew this to be most important. After an interval of three or four days, he brings others to prove what the first witnesses had not swore. This ought to strike volumes against the evidence. Majocchi's general answer was (you all know) *Non mi ricordo*, when questioned as to the attitudes of this dancer—he had not seen, nor did not remember. The Solicitor-General asked, "Did he use any part of his dress?" Answer, "No." Again, "Did he move his trowsers?" Majocchi says his trowsers were always in the same state. Here, my Lords, was no shadow of proof. Your Lordships, for reasons best known to yourselves, and I am sure guided by the most strict regard to decorum and justice, permitted the publication of the evidence, not, I am sure, to assist the plot, but to assist the Queen, in hopes of a unanimous verdict, by allowing the evidence to be printed from day to day. Now, my Lords, I know this was not done to refresh the memory of the witness, though it often happens if they have not access to some one, they will forget their story; this evidence of the dancer only appeared to Mr. Majocchi as indecent; it was another witness who talked of a roll of the trowsers. My Lords, I tell you plainly, that this dance has been witnessed by wives and daughters, as modest, virtuous, and unspotted, as any your Lordships are acquainted with. He next called the attention of their Lordships to the general nature of the testimony for the support of the Bill. Instead of witnesses being called to prove what the Attorney-General had dwelt upon with so much emphasis in his opening speech—instead of the ladies, who as he insinuated, had left the service of the Queen in consequence of the impropriety of conduct evinced by her Majesty, he, lest they should form a strange

contrast with every witness brought forward for his case, with the exception of only two, omitted to call upon ladies who best knew why they had left this Princess, on whose character no imputation had been, or could be cast, and them he had left to the defence. If the case was closed here—if he brought forward no witness to rebut the testimony for the Bill, could their Lordships pass it? He thought not; he was certain they could not; and he, therefore, might, with confidence, rest his case there, secure of the result. Mr. Brougham then, at one o'clock, expressed his wish that their Lordships would allow him some minutes to recover from exhaustion, and to take some refreshment.

After having been absent for an hour he resumed—he defied the wit of man to conceive cases of more flagrant perjury than those to be found in the evidence of Majocchi.—For proof of which, their Lordships had only to look at the manner in which he swore to the position of Bergami's and the Queen's rooms. In answer to the Attorney-General's questions, he stated, that the room of Bergami was near and communicating with that of her Majesty, while those of the rest of the suite were distant and apart; yet when he is asked, on his cross-examination, where these other rooms were, he says, he does not remember. He would not have been guilty of a more direct contradiction, had he sworn he saw a certain person in a certain place on such a day, and afterwards said he did not remember having ever seen that person in his life. As another sample of his veracity, Mr. Brougham referred to his evidence respecting the positions of the rooms at the Villa d'Este, which he read, and demonstrated its inconsistency, observing that it was by much the safest way to build a conspiracy on a foundation of facts, which with little address and a good deal of drilling might endanger the life of an honest man, or the honour of an Illustrious Princess. As further evidence of Majocchi's perjury, Mr. Brougham enumerated the instances in which his recollection was so precise as to enable him to state, to the very minute, the time at which any fact occurred, while under the examination of the Attorney-General; but on his cross-examination he could not even state how many hours at night they used to travel. In excuse for which forgetfulness he said he had no watch. His memory, with respect to numbers, was equally bad. He could not tell whether there were two or two-and-twenty seamen on board, and so with regard to place, sleeping himself in the hold, he could not say where the seamen slept, although every body knew that the seamen slept in the hold. He also forgot having ever known Mr. Hughes until he saw a letter in Mr. Brougham's hand, and then he changed his tone. Mr. Brougham next exposed his shuffling with respect to the money he had received, and showed that the facts he was swearing to, could not have existed, or he must have remembered better what he had, stated at Milan, from which the Attorney-General had stated, that he heard Bergami kissing the Queen, whilst Majocchi only swore he heard them whispering. Mr. Brougham next exposed the absurdity of his testimony, in swearing that the Queen went through his room on her way to

that of Bergami, when she might have gone another way, by which she might have escaped detection, while her going through the room in which he (Majocchi) was sleeping, in a bed without curtains, and to whose eyes she held a candle, rendered detection and exposure inevitable. Mr. Brougham proceeded to animadvert on Majocchi's evidence. What he swore respecting his leaving her Royal Highness's service must be gross perjury, for he said, in one breath he would rather eat the grass than live in a house such as the Princess's; and in the next he said that he had applied to be taken back on his own admission, once; and when asked had he not often applied, his answer was—*Non mi ricordo*. He then called the attention of the House to Majocchi's demeanour, and observed, that when witnesses were not disposed to speak the truth, their answers were usually flippant. When asked, was the gun on the deck of the polacre? he replied it was not in his pocket. Mr. Brougham then passed to the master and mate of the polacre, who, he said, were the best paid witnesses, or even Italians, on record; and went on to show that the sums which they got for compensation far exceeded the income of the Italian nobility of the first rank. Eight thousand pounds a-year was stated to be the annual profits of the mate's vessel, which at Naples was equal to 18,000 or 20,000*l.* in England; and this was what no ship-owner in the kingdom of the Two Sicilies was worth. But the evidence of the Captain evidently proceeded from spite, as well as from the hope of reward. It was bottomed in revenge, for he had quarrelled with Bergami about not receiving 1800*l.* which he said had been promised him, and the only knowledge which the prosecutor in this case had of this witness was, that he made a claim upon the Government of this country for that 1800*l.* Mr. Brougham then pointed out the contradiction between the master and mate respecting as to her Royal Highness being seen sitting on the gun, and Bergami and she kissing; and in the happiest terms dwelt on that part of the master's evidence where he says, that on seeing the Princess and Bergami leaning together over the side of the vessel, he had sent away the crew to another part of the ship, lest they might witness this familiarity. The captain too, could not think of speaking to any person out of doors, respecting the evidence he had given in that House. There was, therefore, one spot he was glad to find in the country a land of Goshen,—yet free from the effects of the moral pollution which had proceeded from those Italian witnesses,—and that spot was no less a place than Cotton-garden. He wished to remind their Lordships what kind of person Madame Demont described herself to be; he wished to take her own account. She said she was the enemy of mankind; she did not like mankind in the abstract. She had, however formed an attachment to one man—an Italian Gentleman she called him; she would not call him a servant. She loved sweet liberty, and to its pursuit this mountain nymph had devoted herself. She was a perfect specimen of a complete waiting-maid; neither Collins nor Cibber would have drawn a better. She has a talent for telling a story, and it was her constant practice to deal in *double entendres*, so that it is impossible to arrive at her meaning. He had heard her candour praised,

and why? Because she admits that she was turned out of her situation for telling a story; and because when she was asked whether the whole of what she said were true, she answered that it was only true in part. He need hardly tell all rational men that this was absolute nonsense.—By her own account it is impossible to tell whether what she says is true or false. What amiable blameworthy. Poor innocent shepheress, how innocent thou art. He never heard so strange an instance of the application of the word candour as in this case where the person on whom it was bestowed owns herself unworthy of belief. Her explanations were impossible, her *double entendres* would not fit.—The whole universe believed her testimony to be false, and he hoped their Lordships would not prove an exception to all the rest of mankind. One thing he forgot to mention, was the affection Madame Dumont had expressed for her sister, who was just coming into the world at the innocent age of fifteen, and she did all in her power to obtain a situation for that sister; a situation, if her own account is to be credited, the most unfit for any virtuous person, especially for Madame Dumont's own sister. This was her own account; but he did not believe her to be half so bad as she described herself; for he did not think there was any thing in human nature capable of such baseness. He believed the whole of the accounts contained in the letters to be true.—Here he reverted to the evidence of Sacchi—a servant, an Italian, a Courier, who pretends to be a gentleman, and says, “Thank God he has always been independent”—Indeed, my Lords, allowing that this man had received a pair of colours, this does not prove the Italians in the French army to be of a very scrupulous character. He went by three names, two of which we only know. When he first came here, he commenced *double entendres*. He also said he was in the service of a respectable Spanish family, and that he intended to commence a lawsuit against her. Now, my lords, I take leave to ask, how he has procured the place he now holds with a servant attending him. We suppose he gets his money not in a very creditable way, and that he is paid by some unknown party. This same Sacchi being asked—“If he had ever said he was in a miserable situation—if he had ever taxed himself with ingratitude to his, an amiable benefactress,” answered, “never;” and again, “were you ever in a situation to require compassion,” “never.” “Is that your hand-writing?” answer—“yes.”—Your Lordships will see that in these letters this gentleman taxes himself with the blackest ingratitude. Luckily, he did not recollect these letters. But you shall see them. Indeed, then comes one of those providential accidents, by which chance sometimes protects injured innocence. On asking him why did he change his name, he answered—“on account of the tumult;” happily he does not recollect that he came over to this country in the year 1819, and that the tumult did not happen till the year 1820. In page 459 of the shorthand writer's notes you will find how he endeavoured to get out of this inconsistency. He says, I took this name on account of the tumult, and the danger I should have run if I had been known. The

Attorney-General very properly did not press him further on this point. But happily one of your Lordships endeavoured to get some further explanation. There you have a specimen of the confusion, the perplexity, the shifting, the beating about the bush, which a perjured witness resorts to, to prevent the consequences of one false step. Being asked why he changed his name, he said, "that as at the time I was known in London by my own name, I thought fit to change it, to shelter myself from any inconvenience that might ensue." From this time forward there is no getting him out of the potential or optative mood, into the proper tense and mood for expressing what has really happened, than there is any possibility of changing him from a knave to an honest man. When he was pressed at last to say whether any one had told him that it would be dangerous for him to go to England under his own name, he said that while he was at Calais, a gentleman whom he did not know, came to him, accompanied by the well-known courier Krantz, and told him that it would be necessary for him to change his name, because some tumult or trouble had happened to others on the like account. When he was pressed to explain what was meant by this, he had recourse to an answer, which I never saw any witness brought into such a corner without giving, "I have repeated what the gentleman told me." He was asked then, "did you know any witnesses who had gone to England respecting the Queen," Answer, "I might imagine some other people might have already come to England as I was coming." I don't deny that he might have imagined this, or any thing else, as he imagined that the tumult at Dover had induced him to change his name a year before it happened. But what I say is, that it is entirely incredible that one year this unknown gentleman should have any apprehensions for the safety of witnesses in the cause of the Queen. It is plain that the whole story is an invention. Mr. Brougham then proceeded to comment on the improbability of the facts sworn to by Sacchi on his drawing aside the curtains of the carriage. He asked what would be thought if he proved that carriage was an English carriage, with spring blinds, which Sacchi could not raise without putting his hands through the window. Sacchi was asked whether any person beside the Queen and Bergami was in the carriage, and for that question he provided the device of his celebrated predecessor—*Majocchi, Non mi ricordo.*

Mr. Brougham remarked on the improbability of this sense of forgetfulness, but said it should not cover the gentleman for he would prove there was a person in the carriage.

He was proceeding to comment on the evidence of Dumont regarding the transactions of Carlsruhe, when he was interrupted by

Earl GREY, who noticed that it was four o'clock, the hour appointed for adjournment, and that it might be convenient to pause here before the Learned Counsel entered into a new subject.

After a few words from the Earl of Liverpool and the Lord Chancellor, the House adjourned.

TWENTY-THIRD DAY.—OCT. 4.

A Gentleman from the Treasury presented copies of all communications between the Lords of the Treasury and her Majesty, her Counsel, or Agents, on the subject of pecuniary supplies to defray the charges of the Queen's defence.

These accounts were ordered to be laid on the table.

At twenty minutes after ten o'clock, the Counsel for her Majesty were ordered to be called in.

The Lord CHANCELLOR then ordered Mr. Brougham to proceed with the statement in which he had left off yesterday

Mr. BROUGHAM immediately resumed the Queen's defence in nearly the following words,

My Lords—I ask, how comes it to pass, that with no want of care in the getting up of this cause, no want of sagacity on the part of those who had to prepare it, for I see the greatest skill and management in all the parts of it—how comes it, I say, that after all this, and with the boundless resources entrusted to them, to bring all its faculties into play, there should be one deficiency even in the arrangement of the names of the witnesses? Why is it that there is such a want of national talent in the witness? Such unfairness to the several States to which they respectively belong, such a contrast between those from some countries and from others; so that though in the management I found every class in society, from the middling ranks downwards represented, yet when I have to come to the representation of the Helvetic republic, I find only a single nymph to personate that people. When I look, too, to the whole circle of the Germanic empire, I find its representation embodied in one German chambermaid. I see none from the capital;—I see none from any large States of Germany, where her Majesty resided; I see none from that capital of which she is a native; I see none from those numerous places in which she spent so much of her time, and where she must be so generally known. All that I can find from Germany is one single chambermaid at an inn; one single cellarmaid, or assistant cellarmaid, or girl of all work, for it is doubtful from the story of Barbara Kress to which of these classes she belonged. When I speak of the scantiness of witnesses from Germany, and when I allude to the same scantiness from Switzerland, save and except the Swiss Chambermaid, I must put in a claim for two witnesses from Germany, and these shall be the first introduced for my defence. I must now begin by calling your Lordships' attention to what appears in the evidence of this single German chambermaid. I must here, to do this woman justice, have recourse, as I had before, to her own statement of affairs. Kress appears then, from her own account, upon a calculation of the years she had alluded to; to have commenced at the tender period of thirteen years of age, the reputable, unsuspecting, and unexperienced office of chambermaid, at a little German inn. The little difficulty of tracing the history of such a personage, is in no small degree removed by looking close at the history of her own biography. She first tells us where she was at thirteen years of age; she was then a servant with somebody whose station and oc-

cupation she shews no anxiety to disclose. It however turns out that he was a small innkeeper, and she his cellarmaid or assistant cellarmaid. I entreat your Lordships' close attention to the manner in which this woman gave her evidence, for the purpose of your following up, step by step, and attaching to it, that degree of credibility, to which you may ultimately deem it entitled. I the more particularly solicit this attention to the German woman's testimony, for you will find by her confession, that there was no lack of effort in Germany to obtain witnesses. The agents were there pursuing the investigation with their accustomed activity, their usual address, and their ordinary resources, and here I must say, that however disgusted I feel at the conduct of some natives of my own country, connected with the business of the Milan Commission I find that there was in Germany, natives of that part of the Continent, who furnished me with the consolation of knowing, that they outstripped my own country men in the part which they thought proper to take in this business. For instance, I find there that the Baron Grimm, the Minister of Württemberg, the Minister of that Power, on whose throne a British Princess of the Royal Family sat, was most active. I find this Baron, with a person named Raven, who succeeded Baron Ompteda as minister at Rome, and who is now there in that capacity; I find these two persons actively employed against her Majesty. I find Raven treating the Queen of England, when at Rome, that Lady who was his Queen as well as your Lordships' in such a manner as made it impossible for her Majesty, even if her presence had not been rendered indispensable here by the proceedings instituted against her station and honour, to reside any longer at Rome. These two persons I find to have been throughout these proceedings unscrupulous agents in the transactions to which I have to call your Lordships' attention. I find the Baron not scrupulous in throwing away and flinging far from him, all those feelings which an ordinary man, in the common incidents of life, may not cast away, without forfeiting all pretensions to honor and respect.—It may be perhaps in the conduct of diplomacy for a Minister to justify himself for acts, for which, as man, he would stand without defence—he may do in the one station, what in the other he dare not, without encountering degradation—he may, perhaps for such conduct curry favour with the master who employs him—he may get honours for discharging duties, which, in another capacity, would obtain him not honours, but dishonour and disgrace. Perhaps, however, he acted merely as a diplomatist, to whom all things are to be equal. Baron Grimm, my Lords, was living in his own apartments, when the Queen arrived at the place of his residence. To compliment her Majesty and promote her convenience he instantly resigned his own apartments; he artfully and insidiously gave them up for the use of the Queen; he kindly left the principal apartment without a moment's delay, for the purpose of having it appropriated to the accommodation of her Majesty. He left his house, and encountered all the inconvenience of inferior and comparatively ill-fitted apartments, that he might shew his respect to the Princess of

Wales, and have the honour of condescendingly contributing to her temporary convenience. Such was the Baron's courteous conduct to that illustrious lady. But what would their Lordships think of his politeness and demeanour, when they knew that on the very day, nay, the very hour, on which the Queen quitted the occupancy of these rooms, the Baron, together with another person, whose name though used by the witness, I at this moment forget, were seen running up and down the rooms, as the woman Kress expresses it, prying into every hole and corner, turning up and looking at the furniture which had been used by the Princess, examining the bed and bed furniture, and performing all those degrading offices, to endeavour to please those, who I know and feel are above sending any men to degrade themselves, by performing such mean and dirty missions. Such, however, was the conduct of these men; they demeaned themselves in the way I have mentioned, sedulously and unscrupulously regardless altogether of their own dignity, and prying into the minutest matter, that had a chance of gratifying their private ends. You have heard all this of Baron Grimm, from the chambermaid, Kress. After all this condescension, why has not the Baron condescended to be a witness at your Lordships' bar? Why has he not ventured to be a witness to sustain the testimony of the chambermaid? Why has he not shewn the same boldness here in facing your Lordships, that he has shewn elsewhere in facing the reprobation which his conduct so well deserved to call down upon him. But here the Baron was not forthcoming; here alone he was not to be found, though here, and here above all, he was, if this story of Kress's be true, a paramount and most important witness; indeed the most important by far, for he actually entered the Queen's apartments the moment she left them, and if Kress spoke true, must have had an early and immediate opportunity of speaking to the thing, in such a manner as directly to corroborate her evidence. The Baron was absent, and the only witness obtained by all the industry, the zeal, and skill of the agents, the only one they could gather in all Germany, was this single German chambermaid.—On looking at the evidence of Kress, some estimate could be formed, both of her motive, and of the consistancy of her uncorroborated story. She swears, she came over to England to be a witness by compulsion; and yet when you come to turn over the next page in her book, you find—what? That she was to be paid—that is, to get a little compensation for loss of time. She had made no terms, given in no bill, she had made no express or implied bargain, nor had she any reason to expect payment for the evidence she was expected to give. This was her story, but it soon came out that she had got a little payment, and the scale at which it was meted out to her was also observable, for it was wrung most reluctantly from her.—Look at her examination, page 193—

Were you examined before? Yes,

Where? I was once taken to Hanover.

What had you for going there? I don't recollect.—It was little, as little I don't recollect.

She it seemed did not, nor could not recollect this remuneration because it was so little. But it subsequently turned out that it was not because the reward was so little, but because it was so great, she could not recollect it. What if it was larger by five times, by ten times her ordinary wages at the inn? she was asked—what if it doubled her whole year's salary, wages, perquisites and all, at the inns at Frankfort? still she could not recollect it. When this payment doubled that annual sum, will any man, my Lords, of plain and common understanding pretend to say he can believe this woman, when she states, she does not recollect such a circumstance, when the amount paid for a six days' journey so far exceeded her annual profits?—Was it possible after such a concession as this, to credit her belief? Could she be depended upon in her memory of facts, who did not recollect receiving for a trip, that, from beginning to end, did not cost in a fortnight's time more money, by a great deal, than she could earn in a year, and did not recollect it, because the amount was so little, so very little? How can any man then, I say, place a reliance on a story coming from such a source? Now, my Lords, we must again cross the Alps in pursuing this strange history, and dismissing the testimony of the witness whose testimony I have just noticed, all the rest of the persons brought forward are but mere make-weights, persons who are liable to those general observations, which I had yesterday the honour to submit to your Lordships. The facts to which they swear are such, that it is utterly inconceivable, that they have never been seen by mortal eye. Can it then be supposed, that such things would have been suffered to take place with such publicity, that they must be exposed to the observation of a number of persons in the lowest walks of life, of the humblest, and some them even degrading occupations, and whom, after all the pains taken with them, it has been found impossible to clothe with ordinary respectability. It is impossible that any person of common understanding could allow such scenes as had been described to pass in the presence of eleven men. Why had not more of the crew who were on board the vessel been called? It is strange that the witnesses never mentioned what they had seen. One who had been on board, when asked if he had ever told of what he had witnessed, replied "yes, once." When asked on what occasion it was that he so mentioned it; he replied, "to the Commission at Milan." The question was then put "did you never mention it before?" and to the reply was, "never." And thus it is with them all. When Rastelle swore to scenes too disgusting to be detailed—when he swore to abominations having taken place in the face of day which could not be described, and that too in a situation so unsheltered that it was impossible for him to turn his head without seeing them, he, like all the rest of the witnesses to these abominations, as if the relations between cause and effect in this singular case, was wholly suspended, had never opened his mouth on the subject; his lips had been hermetically sealed till he was called on by the Commission at Milan. Through ten long months this witness was silent? Was he a hermit all this time? Was he

living: the life of a reclus? Was there no mortal ear in which he could mention it? Was there no man, woman, or child to whom he could whisper it? To the latter perhaps, he might not be expected to mention it; but had he no friend, no brother, no mistress, no common passenger to whom he could mention it? I know that the boatmen on the Lake Como have been corrupted in many instances by the fondness of the passengers for gossip; and who, finding they got paid for their stories, have got into the way of entertaining them with tales, which have no foundation whatever in truth. Is it, I say, credible, that known what he had sworn to, that this man would have whispered to no one the strange sights which he had seen? How many are there of your Lordships who, unaccustomed to the habits of official life; who, not being under these restraints imposed upon the limbs, the tongue and the minds of those connected with the Courts of Law; how many are there of your Lordships such as I have described, who, having seen these things, would not have mentioned them to some friend or acquaintance? He believed there were few Gentlemen, who, having witnessed such scenes, not being under the seal of secrecy—not being in any way bound to silence, would not have spoken of them to some one. Yet, here were those low persons, so different in their conduct from the upper ranks of society, so much more discreet, so much more on their guard, and living with persons of such purity, that the mention of such facts would at once have crimsoned their cheeks, with the glow of offended delicacy, that in no one case did they pretend to have revealed what they have sworn themselves to have witnessed to any living being. Is this probable—is it that which can be credited? The Princess was described to have been seen kissing Bergami on the Lake of Como as often as the wind blew on it. She was seen riding in a carriage in a situation which cannot be mentioned without a blush. The facts witnessed were so striking, so unheard of, so frightful, so portentous—that, if really seen, it was impossible for the beholder to remain silent a single day. But days, weeks, and months passed away, and nothing was said on the subject till the parties were called before the Milan Commission. It was then, for the first time, that the lips of these persons were unsealed. I do not believe that they concealed for days or hours what they have sworn to. I believe that they only concealed from the ear of their neighbours, what they have now stated, from the time when learning that others had been largely paid for their better slanders; they determined on imitating their conduct; from the time when it first crossed their imaginations to act this part, till they had passed over to Milan and obtained the reward of perjury. My Lords, you will see that in this instance there is no variation in the conduct of the witnesses at all, but in other instances there are variations of importance. Do you recollect, but can any one ever forget, the waiter from Trieste, who appeared at your Lordships' bar?—Does he not rise before you at this instant? Does not his aspect recall him to the memory of many of your Lordships who have forgotten his name? Do you remember those eyes, that nose, that lecherous mouth, with

which the wretch stood here to repeat the falsehoods to which he had previously sworn at Milah? Do you remember that pander from Trieste? Do you remember that lechery—lechery which seemed that of an inhabitant of the infernal regions—do you remember the gloating mouth with which he told his falsehoods? But I can contradict him. He at least will not go unpunished. I can contradict by other witnesses the facts to which he had sworn. I can contradict, and I can bring to punishment other witnesses, but he *shall* not escape.—I will shew you by undoubted, unquestionable, unimpeachable, evidence—by evidence above all suspicion, that he has sworn falsely. I can prove by the room itself, and by the position of the door, that he is not to be believed. I will do more; I will prove, from what he himself has stated, that his evidence cannot be true. I will shew that the Queen was at Trieste but one night in all her life. She went to the Opera, as he had stated, and that is the only instance in which this witness spoke truth, and the next day, I will prove, that she went away, and never afterwards crossed the threshold of the gate of Trieste. Of the filthy cargo brought over on this occasion, I think the sample which I have brought before your Lordships is pretty well enough. I know not whether this *Iachimo* be the legitimate descendant of the *Iachimo* of *Shakspeare*; but in mind your Lordships can hardly doubt that he is own brother to this and other witnesses who have belied the Lady Princess of this fair isle, and they may say—

——— "mine Italian brain
 'Gan, in your duller Britain operate
 Most vilely; for my 'vantage, excellent;
 And, to be brief, my practice so prevailed,
 That I returned with similar proof enough
 To make the noble Leonatus mad,
 By wounding his belief in her renown
 With tokens thus and thus; averring notes
 Of chamber-hanging, pictures, this, her bracelet,
 (O, cunning, how I got it;")

I should not sufficiently discharge my duty if I did not now call your attention to the several heads or charges contained in the strange indictment brought before your Lordships in the form of a Bill of Pains and Penalties. Your Lordships will recollect that the first scene is on Neapolitan ground. At Naples, the parties are described as first coming together and there the adulterous intercourse is alleged to have taken place in the course of ten days, or at the utmost a fortnight after they first met. Your Lordships will see that from the statements of these witnesses, it appears that the Princess of Wales acted the part described, having therefore been a person of unimpeachable character and life—having been proved to be so by much stronger evidence than could have been adduced in her behalf, had she never been suspected. That her character was unblemished, is proved, if there is truth in evidence, if there is benefit in acquittal, if there is justice in the world—it stood higher than if she had never been accused, as she had had two solemn acquittals after two solemn in-

quiries into her conduct. So much on these occasions had been proved in her favour, that when one set of Ministers had found her guiltless of the charges preferred against her, and recommended that she should be merely censured for some acts which were called levities, their successors in office, not satisfied with this, had recommended that the censure for levities should be discharged, and that her King and father should receive her to his affections as the purest Princess that had ever adorned the walks of life. This character so supported, so vindicated—coming out of the trial purer than if it had never been called in question, as it seemed to the Ministers of that day, who were among those that now favoured the present charges, her Majesty, in so short a time had been represented to have thrown away, and to have demeaned herself in a manner that would have disgraced the most profligate of her sex. It seems that she hired a menial servant, and of him I shall have to say a few words hereafter. She then moved towards Naples, and in a few days—in less than a month, all restraint was laid aside, and the mistress of the menial servant was represented to have made herself the mistress of a menial lover. The whole of the case must fall to the ground if your Lordships should not believe, that the alleged intimacy between them had commenced on the second night after the arrival of the Queen at Naples, as this necessarily results from what has been sworn to by the witnesses Majocchi and Dumont. It appears that little caution was thought necessary, but I would now call your attention to the manner in which the room in which the Queen and her lover are described to have slept, was prepared for their reception. One small iron bedstead, of dimensions hardly sufficient for one person on a voyage, is represented to have been placed in the room of Bergami, and on this bed it should seem the parties had slept, though a larger and more comfortable bed had been in the chamber of her Royal Highness, and in every chamber of the house. The Learned Gentleman then proceeded to comment on the inconsistencies which appeared in the evidence of the witness Dumont, as given at different times. Billy Austin, who had been stated to have been excluded from the room of her Royal Highness, on the night referred to, he could have slept in another apartment for some time after, in a room adjoining that of her Royal Highness, to which he could have access at all hours. Yet this witness, with all her senses about her at the time my Friend was examining her, would not speak so positively to the bed being tumbled; but she swore positively to its bearing the appearance of two persons having slept in it. Is not that then more abundant than the expectations of my Learned Friend could have wished? My Lords, another scene, she would have you believe, took place at Naples, to which, however, she will not venture to apply a time. She was aware of the danger that would accrue, had she done so. She would not run the risk of being sifted and exposed on that point. She would not run the risk of contradiction, because she well knew if she fixed it earlier or later in the week, so long as he did but specify a time, contradicted she certainly would be. Some night however, during her Royal Highnesses stay at Naples she saw Bergami come out of his

room naked, except as to his shirt, without even stockings ; without even a night-gown, moving towards that part of the corridor into which the chamber of the Queen opened. She did not start back. She did not return ; but moved on in a direction towards Bergami, and Bergami did not start back ; he did not retire ; but, seeing her, and without making any excuse, he continued his course towards the Queen's room. She continued going towards him, and then made her escape. He perceived she saw him, you are to believe ; and still he made no excuse but moved on to the accomplishment of his guilty purpose with a greater degree of alacrity, and a greater steadiness of step than a husband would adopt in going to the bed-chamber of his wife. Your Lordships will find all this in page 251 of the printed evidence ; but I do not stop to refer you to pages, or turn to the precise and specific spots of evidence to which I call your attention ; I merely draw your mind to the main and leading facts ; and I am sure they cannot possibly escape the recollection of those who heard the evidence as given at your Bar. Let me now remind your Lordships of what is represented to have taken place at Catania ; and observe that here, two witnesses might have been called to this transaction, if it really did take place, both of whom are mentioned by the Attorney-General, but only one of whom are called. "Two maids" says he, "were sitting in the next room to that of Bergami ; both saw the Princess come back from that room at an early hour ; they both heard the child cry in the Countess of Oldi's room ;" and they both must have known all that really took place. The Attorney-General not only does not venture to call both, but only one ; but he does not venture to state, that those two had communicated together from that day to this upon a tittle of what has passed. They never did communicate ; they could not communicate together ; nothing of the kind had passed. The thing was false ; but Dumont alone is called, and what is the story as she tells it ? I now pray your Lordships to attend to it ; and let me ask you, notwithstanding all the multiplied improbabilities of this case, can there be any thing more improbable than this ? Bergami usually slept not only not near to the Queen's bed-room, but on the other side of the court, which formed the centre of the building while well ; but he became sick. He was seized with a severe fever, and brought over from his usual room into another room belonging to the Countess Oldi. I believe, and there he was when he was sick. Now is it not, my Lords, a little extraordinary that the scene of this amour—I won't say is ordered to be, but is laid at a time when Bergami was in a fever, not when he was in good health. Well, there he was lying more as a patient than a lover. And she is particular, (for that is what is meant to be understood) that she should be placed there. And the situation in which she was placed to go to his bed-room, is to be sure the most difficult and embarrassing that can be well conceived, for she must go through a room where two maids are sleeping before she can by any means reach his. The Queen too slept in Oldi's room, and what had been Oldi's room, now became hers.—The child was also removed, and the witness tells you she undressed

the Queen, and her Majesty went to Bergami's room every night and returned every morning. Now is it not extraordinary, that for the accomplishment of her design, if such design she ever entertained, she did not make an alteration in the bed-rooms of these maids rather than expose herself to the risk of discovery? Is it not curious that she labours under the same risk both at Milan and at Naples? All she had to do was to make a different disposition of the rooms; to place the maids in Bergami's room; and then he could have slept in the room next adjoining. It is most wonderful that all the witnesses in this case would impute to her Majesty that it was the uniform tendency of her tactics to multiply damning proofs against her own character; and to destroy every happiness and comfort which can be dear to her! This is the plot; and she is never to do any one act which can injure her without providing ample proof and evidence against her. And now I am told that this will be contradicted by Mariett Grimm (Dumont's sister) being called. Why do you not call Mariett Grimm? You opened her evidence; you asserted she was present; you told us what she saw—and yet you will not call such as are in your favour. I say she is your witness. This is a criminal, it is worse than a criminal proceeding; it is of a nature higher, at least, in its exigency. I say, a Bill of Pains and Penalties ought to be supported by evidence, better if possible, than a proceeding which is to take away life or limb. I say, she is your witness, and not ours, and you ought to call her. You have not called her, in this overwhelming charge: then I say, you have not proved us guilty; and therefore if justice reigns here, we ought not to be called upon for a defence. In the lowest crime known to the law, the best testimony ought to be adduced, whether on their side or ours; and I will put a case to remind your Lordships. Suppose a robbery or murder be committed, and a man be put on his trial for it. Suppose an accomplice, infamous by his own character—a spy, degraded by his calling—or any other witness, tainted and impure, be called, while pure and unsuspected witnesses remain uncalled, is it not the duty of the prosecutor to call them? I say no man who is to be put on a trial for his life, ought to be called upon to produce in his defence, the relations of those who are witnesses against him. The prosecutor must call them. But my Lords, painful as it is to my illustrious Client, the manner in which she has been oppressed and persecuted, and the means that have been adopted treacherously to betray her, must open her eyes, and awaken her suspicions on all hands. She sees those who were fostered by her have appeared against their mistress, and she knows not but still in retaining Dumont's sister in her service, she may be cherishing another viper to sting her. Still, however, she has never found her act improperly, and she is resolved to call her. She has been watched and spied by the Grimms, the Omptedas, and the Radons, not forgetting the Omptedas of our own land, and it is hard to know who is her enemy and who is her friend.—Nevertheless, she will run the risque of calling this woman; she knows if she speaks the truth, she will

fully and flatly contradict her sister, and she is convinced that her testimony will be annihilated. Perhaps she may not entertain a charitable opinion of the witness when she knows the manner in which she has been followed by the Omptedas abroad, and still more scrupulous must she be after the infidelity and perjury of such witnesses as Majocchi, Sacchi and Dumont. I am satisfied, my Lords, in my own mind, that you will agree, her Majesty is not bound to call the witness I have spoken of. Perhaps as legal advisers, in the exercise of a cautious prudence, we should advise her not to do so, but still as I said before, her Majesty will produce that witness before you. Now, my Lords, let us come to the transaction at Charmetz. Dumont swore that on the night Bergami returned with the passport to Charmetz, he went to the Princess's room, and there remained the rest of that night. It is false; I will prove that her Majesty set off on her travels, within an hour and an half after the arrival of the passport, and that same was scarcely sufficient to pack up, and prepare for travelling. She was lying on her bed while the things were getting ready, in her ordinary travelling dress, in which she had slept, to be prepared to set off at one o'clock in the morning, should the passport so soon arrive; the door of her room was open, and all the persons of her household had free access to that room during the preparations, as well as Bergami.

The Learned Counsel then proceeded to comment on the observations which had been made on the supposed plot, of which it had been supposed to be the result. It had had been said, that if this were a plot, the witnesses had not sworn home.—Could the persons who argued thus have forgotten that the safest way to prepare a plot was not to swear too hard, but to build the fanciful fabric upon the natural course of events, to state the facts as moderately as possible. The architects of this plot were perfectly acquainted with this art, and had taken their steps accordingly. He next contended that having already shaken the testimony of the witnesses from their own mouths, he had given a complete answer to this case; for if part of that which a witness swore was proved to be false, all confidence in what remained must cease. He now adverted to the observations which had been made on the origin and character of Bergami. He denied that his elevation had been so prompt, as had been described, and submitted that it arose from any other cause than that base one to which it had been attributed. Bergami was a man of family—his father had been a considerable land proprietor, but from misfortunes had been reduced to distress—his son had shared his fate. He still, however, lost not the character of a Gentleman; he was recognized by Gen. Pino—the Commander-in-Chief of the Milanese—he dined at his table, and was treated with the respect which was due to his former rank. To the Chamberlain of the Queen he was introduced by an Austrian Nobleman, and was hired as a Conier to the Queen several days before he was seen by her Majesty.—At the time of this introduction, his Noble Patron represented him as a man whose ideas belonged rather to his former

character than to his present situation—and in fact, he entered into her Majesty's service with a distinct promise that when opportunity offered, his promotion should be attended to. The topic to which the Learned Counsel next alluded was the estimation in which her Majesty had been held by our late venerable Sovereign, who, he submitted, was no incompetent judge of the human heart. In confirmation of this he read a letter from the King, written to her Majesty in 1804, breathing the warmest affection. He then adverted to the letter written by his present Majesty to his Consort at the period of their separation, which has so repeatedly come before the public, and expressed his surprise, after such a letter, which he would not call a letter of licence, but which had received that character, that the present proceedings should have been instituted. He lastly made some general remarks on the character of the witnesses who had been examined—submitting, that as their testimony would be rejected in a judicial inquiry of the most trifling nature, that it ought not to be received in a case charging the Queen of England with the most monstrous crimes. In conclusion, he implored their Lordships to pause—they were standing on the brink of a precipice. He conjured them to reflect upon the judgment which they were called upon to pronounce—a judgment, which, if pronounced, he had no hesitation in saying, would fail in its object, and would return upon those who gave it. He called upon them to save the country from the horrors of such a consequence—to save themselves from the risk of losing their situation in a country of which they were the ornament, but in which, when no longer served by the people—like a blossom cut from the root, they must wither and die. He called on them to save the crown, the people, and the aristocracy, and the Legislature. The King had willed that the Queen should be left without the solemn Service of the Church, but she needed it not, for in its stead she had obtained the heartfelt prayers of the people. She wanted not his prayers; but he now most solemnly prayed to the throne of mercy, to pour down that mercy on its people in a larger proportion than the merits of their rulers deserved, and that their hearts might be turned towards justice.

At half past twelve Mr. Brougham concluded his Address. A short pause ensued; during which many of the Peers quitted the House, and the Counsel retired to take refreshment.

At 20 minutes to one o'clock Mr. Williams advanced to the bar, and was proceeding to address their Lordships, when

The Lord CHANCELLOR observed, that, as it appeared to be the intention of Mr. Williams to follow Mr. Brougham in a second address, he must remind their Lordships, that it was at their discretion whether to admit the course contemplated by the Counsel for the defence; but he was sure the House would agree with him, that, in so important a case, that discretion would be exercised by permitting it.

This suggestion was acceded to, and Mr. WILLIAMS commenced his address. He proceeded at great length to comment upon the evi-

.....
dence adduced for the prosecution, and directed his observations particularly to the testimony of Mademoiselle Dumont, who, he said, had, without using an odious monosyllable, committed a *double entendre* upon her oath. He referred to page 253 in the evidence, which regarded the Princess's conduct at the ball of Joachim, King of Naples. On the examination of Mad. Dumont in chief, she was asked—"Q. Did you assist the Princess?—A. "I did not."—"Q. Did she change her dress entirely for that purpose?" "A. Yes."—It afterwards appeared that she knew nothing about the matter, for she was not in the room. The allegation, therefore, that she entirely changed her dress was entirely a fabrication. The Solicitor-General, in his summing up, had commented upon this part of the evidence with rather more than the earnestness of an advocate, heightened by the imagination of a poet, and he had stated facts which were not warranted by the evidence. He appeared indeed something like a partizan, and was labouring to leave an impression on their Lordships' minds unfavourable to her Majesty. The learned counsel next referred to the evidence of Majocchi—Their Lordships had not forgotten him, for he was a witness who would ever be remembered by the British nation. Which of their Lordships, upon the examination in chief of this witness, would have learnt that the shores of England had ever been blessed and gratified by the presence of this individual, until by mere accident he was interrogated in the cross-examination, the fact would never have been known. It might be asked what injury did this fact do to the case of the prosecution? If it had been known that he had been in England before, some facts and circumstances might have been collected useful for the defence. He next called the attention of their Lordships to the testimony of the Captain and Mate, who on their return would be the objects of admiration to all their countrymen. The Captain had gone through his examination in chief, and cross-examination, without the least hint being given that he had a claim against Government, until by an accidental question from one of their Lordships, it appeared that he had an unsatisfied demand against Bergami. He next alluded to some observations which had fell from the Solicitor-General in summing up, and again touched upon the point relative to the change of dress at the Ball of Murat. He accused the Solicitor-General of making a false and unfounded representation of the evidence, particularly in stating that it was a bed-room in which the Princess changed her dress. No such fact appeared upon the evidence. If this were mere inadvertence, it was indeed a strange circumstance that the statements were made all on one side. Another gratuitous assertion of his Learned Friend was, that Bergami and the Princess were locked up for an hour in the bed-room. In one little sentence in the compass of a short paragraph, his Learned Friend had introduced two strong pregnant leading facts, neither of them founded in truth. He next proceeded to comment upon the opening speech of the Attorney-General and to contrast it with the comparative paucity of the evidence adduced for the prosecution.

After noticing some further inconsistencies between the statement

of the Attorney-General and the evidence of the witnesses, the learned Counsel impressed upon their Lordships the imperious necessity, by every sense of duty and delicacy, to afford to the Queen the benefit of that presumption of British justice, to conclude every person innocent until proved to be guilty. He then dwelt upon the strange, unnatural, and impossible memory of Majocchi, who could only recollect all that made against the Queen, and thus had committed a negative perjury. He noticed a discrepancy in this witness's testimony with regard to the presence of the Queen in the Chambers of Bergami, when he was sick; and having concluded this part of the subject, he entered upon a scrutiny of the testimony of Dumont, and especially that part of it which related to the supposed *double entendre* in her letters. He argued that this was entirely an after thought, got upon consultation with the other side, and after a night's reflection; her pretence that by the Capital of Europe she meant Colombier, was ridiculous. *Neque rationem, neque radum habet ulum*, and it was only *rationem inane* and a waste of words to endeavour to expose it further. He felt satisfied that in her praises of the Queen, contained in her letters, their Lordships would think that she had spoken her real sentiments, and that she did not mean at that time to cover, under an eulogium, the malignant hatred she had since conceived against her Majesty. The probabilities were all in favour of her being sincere, for that the praise was merited, there could be no doubt, after the panegyric pronounced upon her Majesty, from the highest authority in modern times, that "she was the life, grace, and ornament of the society in which she moved." These words had been used by a man of classical taste, of great skill in modern and ancient languages, and who could not, like Dumont have meant them for *double entendres*. Mr. Williams next called the attention of the House to the declaration made on the other side, and which he had heard with so much satisfaction in the outset, that this was not a case between party and party, but a proceeding in which all the evidence from which the truth could be ascertained, ought to be adduced. How well this declaration had been adhered to, the sequel shewed, when the Solicitor-General challenged the Queen's Counsel, to venture to bring forward Baron Bergami, Louis Bergami, Brunette, and the Countess Oldi. If it were fit that they should be called at all, why had they not been already produced? Why had not Dr. Holland, Lieutenant Howman and the Noble Lords about the Queen, all competent and credible witnesses, been placed at the bar by the other side, if the object really were, as was pretended, to arrive at the simple fact. It was the Counsel for the accused, who had not dared to bring forward the respectable persons; but *dum tacent loquuntur*, their silence was as much in favour of the Queen, as if they had given the most unequivocal testimony. This challenge, however, to produce them, was a low, pitiful, and unworthy manœuvre, sometimes practised in a cause at *Nisi Prius*, where the struggle was for a farthing damages, but wholly unbecoming a great case like this, highly criminal in its nature, and in its result intended to be destructive to the honour and the dignity of a

Queen. Here such a challenge could have no meaning; it was *tu tem imbellem sine ictu*, though in some minds it might create an undeserved prejudice. What motive was there for calling Louis Bergami? Merely because Majocchi had asserted that either he or Camera had waited upon her Chamberlain one morning at breakfast. Suppose that Bergami had been produced in consequence of this defiance, did not the experience of every man in the world prove, that were his crime more or less, upon this particular subject his answers could be but of one description. This analogy, like all others, where the present proceeding was compared with ordinary trials, has been, he would say, shamelessly introduced whenever they could operate against her Majesty. This was like no other trial; no crime known to the law was charged, and no specified punishment affixed; and their Lordships in their legislative and political capacity, could not be guided, much less governed, by the low technicalities of our Courts. He hoped, therefore, to hear no more of these supposed analogies. Protestings, as he did, to the utmost of his power, that the non-production of these witnesses was in fact a clamorous evidence against the prosecution, and in favour of her Majesty; yet, nevertheless, too high interests, too important considerations, were at stake for them not to be called. Witnesses should be produced, and the challenge should be met; but with respect to what he should prove, he begged in what he had now to state to be distinctly understood, and he especially called the attention of their Lordships to it. The other side, by three years application, by equitable, legal, and military commissions, by examinations with and without oath, taken in Italy, on the road, and in this country, had been able to ascertain, even to a letter and figure, what their witnesses would be able to establish. The Queen had no such advantages.

The Earl of LAVERDALE observed here that four o'clock had arrived, and that as the Counsel was entering upon a new part of his case it might be better to adjourn till to-morrow.

The House accordingly adjourned.

TWENTY-FOURTH DAY—OCTOBER 5.

Mr. WILLIAMS resumed.—My Learned Friend very eloquently commented upon the situation of her Majesty, in having been driven to call that evidence which her accusers ought to have called. I shall now speak of the witness Kresse, of Carlsruhe, and of the Attorney General not calling witness to corroborate her evidence, which, if it were true, he might have done. There were persons in attendance upon her Majesty. There was a Minister of the Grand Duke of Baden almost constantly in attendance, and he ought to have been called by her Majesty's accusers; but they knew, if he was called, he would disprove all that was stated by Kresse. Her Majesty had to complain of this course of proceeding, for such interference had been exercised, that it was impossible she could obtain witnesses from abroad. This Minister had been written to by her Majesty's Attorney

General, and he declared, with tears in his eyes, that he had received positive orders from the Grand Duke not to go to England. An application had been made to General Pino to come to England, to speak to the character of Bergamo. General Pino was now in the Austrian service, and he had received a communication from the Austrian Government, that if he did go to England he must not go in his uniform. General Pino immediately suspected that such an extraordinary communication was an indirect notice to him that he should lose his commission which he held in the Austrian service, and the General wrote to his Government to know if he did go to England, whether it was determined to deprive him of his commission, but he received no answer whatever to his letter, and therefore did not, and would not set out for England. Could any one person now say that her Majesty's witnesses were not prevented from coming, by some underhand interference of persons connected with his Majesty's Government? for not only the persons whom he had mentioned had refused coming, but many persons, lawyers and doctors, had refused to come, and had stated that they had received orders not to leave the country. The case against the Queen is assumed to be proved; then how is it that there is not any other evidence as to the beds, except Dumont's? There is an absolute silence on that (the most important) part of the case, except in the evidence of Dumont. Why was not Ann Priceton called, her Majesty's chambermaid? She could have spoke to the same facts, if they had occurred. He would offer a few words upon the exercise of power by her Majesty's accusers, not only to bring witnesses against her, but to prevent witnesses coming in her favour. Her Majesty had fortitude to bear up against all those injustices, but she had not fortitude to let her case sleep. His Learned Friend had omitted to explain the evidence against her Majesty as to her conduct on board the polacca. Majocchi had sworn that a bath was taken into the cabin, and her Majesty bathed in it. He should prove that this evidence was completely false. The bath spoken of was a large tub, and he should prove that it was impossible the tub could have been taken into the cabin, and if he proved (as he should) that the tub could not go into the cabin, he thought if the law of nature was in opposition to the evidence of Majocchi, he should prove quite enough to convince their Lordships, that the whole of the evidence relating to the bath given by Majocchi was invented and unfounded in fact. The evidence of Paturzo, who swore that he heard a noise in her Majesty's tent, when he lay in his cabin at night, he should prove that he was at such a distance from the tent, that it was impossible he could have heard such noises; and he should also prove, by a person who slept within a few yards of her Majesty's tent, that he never heard any noises, and that Paturzo's cabin was not near her Majesty's tent. He (Mr. Williams) should also prove by an officer who was on the deck of the ship, watching, at night, that her Majesty slept with her clothes on, in the tent, that she frequently raised the tent to inquire of him the state of the weather. He would also prove that the door of the tent was open during the night. He would now refer to the evidence of Dumont, as

to the conduct of her Majesty on the second night after her arrival at Naples. The witness Dumont swore that her Majesty came home very early, and went to bed immediately; she swore that her Majesty was extremely agitated.—Fortunately for the ends of justice, and for the innocence of her Majesty, he should prove, that on the night her Majesty was at the theatre at Naples, she was in the state-box with the King and Royal Family; and he should prove, that it was nearly one o'clock in the morning before she returned home, for she remained at the theatre till the exhibition closed. According to the evidence of Dumont, her Majesty did not sleep on any bed while at Naples. She swore the little bed was not slept in, and the large bed had no linen to it. Dumont must be called back, and asked where her Majesty did sleep. He (Mr. Williams) should prove, that on that memorable night there was a storm, and that the casement of her Majesty's window was blown open, and a servant was called by her Majesty to close it; and the witness would swear, that at that time her Majesty was in bed. If he proved this, what was become of the evidence of Dumont, and of the statement of the Attorney-General, as to Bergami having slept with the Queen that night?—and what was become of the adultery? What would become of the statement, that young Austin was removed from her Majesty's room for the purpose of carrying on an adulterous intercourse with Bergami, on the second night after her arrival at Naples, when he should prove that Austin was removed a considerable time before, at the suggestion of a lady, the friend of the Queen? He should also prove that the dress of the Queen, as the Genius of History, was not indecent, but quite the reverse, for it covered her whole body up to her chin, and nearly the whole of her arms. He should prove that the witness, Barbara Kresse, if his instructions were to be relied upon, that she was not a person who ought to be believed; he did not mean, that she ought not to be believed, not only in her evidence against a Queen, but against the lowest person in the Kingdom.—In fact, he should bring forward witnesses who would prove that she ought not to be credited on her oath. He would now advert to the evidence as to the Queen's conduct at Charnitz. Bergami has been to Inspruck for a passport, and returned late at night. Her Majesty was in bed with her clothes on, and she wore a fur dress. The snow was on the ground at the time, and several persons were present when he delivered his answer to her Majesty, and when Dumont left the apartment. And the Solicitor-General wished it to be believed, that at that time Bergami slept with her Majesty, and committed the crime of adultery. He would now go to the evidence of Sacchi, who swore to his being Courier on the journey of her Majesty from Carlsruhe. He swore there were curtains round the carriage, which were drawn by the Queen and Bergami, when they were travelling; and he swore, to make assurance doubly sure, that he saw them through the curtains doing indecent acts several times. He (Mr. Williams) should prove, that the carriages of her Majesty had not curtains at all; that a person was in the carriage with her Majesty and Bergami on that journey; and he should also prove, by a number of witnes-

ses, that Sacchi was not the courier who travelled with her Majesty on that journey. He did not think it was necessary that he should make any comment upon these facts. He should satisfactorily prove that the door was opened, for such it was, and not a new door made, as their Lordships were told, for the purpose of opening a free communication from the room of her Majesty to that of Bergami. He should prove that the door was opened for the purpose of preventing the chimney of the room from smoking, or rather for the purpose of curing it. He should also prove, that when it was said her Majesty was bathing with Bergami, at Brachia, that instead of it being in a river, that it was merely a stream, that was frequently walked over. He should also prove that the evidence of Raganzoni was a fiction, for the purpose of traducing the Queen of these realms. He should prove that the story about the figures of our first parents was totally false, for it was as much impossible for him to have seen those figures and the persons of her Majesty and Bergami from the spot where he swore he stood, as it was possible for him (Mr. W.) to swear to what was then doing in the interior of St. Paul's from the place where he then stood. If he then proved that whole scenes which these witnesses had sworn had occurred, never had taken place, but had been invented for wicked purposes, could their Lordships give one iota of credit to any single fact which these perjured wretches had sworn? The Learned Counsel then adverted to the fact of Damout having kept a journal during her Majesty's journeys and voyages, and which journal, according to the letters of that witness, lauded her Majesty to the skies, for every virtue it was possible for a human being to possess; and yet afterwards she came forward and deposed to facts as reverse as possible. He should not comment upon such conduct, it spoke quite sufficient itself without it. He should proceed to inform their Lordships that it was his intention to call Capt. Briggs and Pechell before them; they were persons whose evidence could be depended upon, for they were British Officers; and if he should prove by their mouths, that during the three weeks her Majesty was on board their ships, at a time when it had been said her feelings towards Bergami were at the height of intensity, that their conduct was most proper, that there had been no indecent familiarity, should he not give the lie to the wretches who had come forward and sworn to the most abominable and filthy profligacy? The Learned Gentleman here concluded his speech with considerable animation, praying that these important proceedings might end in a manner that substantial justice would be done to the Queen, and that the peace of this country might not be disturbed.

Earl GREY.—Before witnesses are called by her Majesty's Counsel, I think it my duty to address the House upon the subject of two important facts, related by the Learned Counsel, Mr Williams. I mean the facts of the Minister of the Grand Duke of Baden, and General Pino refusing to come to this country in consequence of some interference of their respective governments.—When one of his Majesty's Ministers pledged himself to the House that every assistance should be given to her Majesty's agents to obtain necessary evi-

dence, he felt quite satisfied; but now he must say, it was evident that every thing had been done to prevent witnesses coming. Barbara Kresse, in her evidence, gave the following:—By whom were you examined? Monsieur de Brikstead. Is he not a Minister of the Grand Duke of Baden? I believe he was, but I do not know if he is the Minister of Foreign Affairs or not. Did he promise to reward you? He said I should be paid for my troubles. From this evidence it appeared that influence had been used, to cause witnesses to come over, by the Minister of the Duke of Baden against the Queen, and it also appeared that the Duke's Ministers had used their power and influence to prevent witnesses for the Queen coming to this country. General Pino had refused to come, in consequence of his being threatened with the loss of his commission, for what was the order of his coming without his Austrian uniform, but a threat that he would lose his commission.

Lord DONOUGHMORE very warmly said, that an imputation had been thrown out by her Majesty's Counsel, that power had been exercised abroad to prevent her Majesty's witnesses coming, and that his Majesty's Ministers had not interfered to obtain the evidence of these persons.

Lord HOLLAND denied that the Counsel had made any such imputation as the Noble Lord (Donoughmore) had ascribed to them.—What the Counsel had said was, that the arm of power had been exercised to prevent the attendance of certain witnesses.

Lord DONOUGHMORE disclaimed any intention to press hard upon the Counsel, but he felt it to be his duty to object to any observation by the Counsel which had an inflammatory tendency.

The Lord CHANCELLOR agreed with Lord Holland, that it was beneath the dignity of the House to interfere with the Counsel, unless they overstepped the bounds of prudence; and in this instance, he really thought that there had been proper cause for the interposition of the House against the Counsel, (his Lordship here recapitulated what the Counsel had said.) If the Counsel had been guilty of any imputation it was in what he did not say, and not what he had said, for his impression was, "Lawyers kept away, any body may guess why."

EVIDENCE FOR THE DEFENCE.

FIRST WITNESS.

JAMES LEMAN examined by Mr. DENMAN.

Are you a clerk to Mr. Vizard? Fam. Were you sent to Carlshuse? I was. On what day did you arrive there? On the 14th of September. Had you any letter from her Majesty to any person there? I had a letter to Baron —, the chamberlain of the Duke of Baden. Did you tell him that he was required to come to England to give evidence on behalf of her Majesty?—I did. When? On the 17th, I saw him first on that day, and requested him to attend. Did you take any kind of examination as to

the facts which he might establish? On the 20th. Had the Baron then an opportunity of consulting his minutes? He had. Was the Grand Duke at Carlshue when you arrived there? No, he was then absent; but he arrived there on the 23d. Was the Baron willing to come to England? He was when I first saw him; and until the 23d, when he told me he had seen the Grand Duke, who objected to his absence.

SECOND WITNESS.

ANTHONY BUTLER ST. LEGER *examined by Mr. TYNDAL.*

Were you Chamberlain to the Queen? Yes, I had that honour. How long did you continue in that office? About eleven years, from 1808 to 1819. Did you go abroad with her Majesty in 1814? As far as Brunswick; her Majesty dispensed with my company during the rest of her tour on account of my health and family. In consequence of the state of your health, did you resign the office? I communicated to her Majesty that in the winter months I should be unable to attend her, and I requested her to receive my resignation.—No questions were asked the witness either by the Attorney-General or the Peers, and he withdrew from the bar.

THIRD WITNESS.

EARL GUILFORD *examined by Mr. BROUGHAM.*

Does your Lordship recollect when her Majesty was at Naples? I recollect going to Naples after her Majesty was there; she was there when I arrived in the beginning of March, 1815. When you arrived at Naples, who did you find in her Majesty's suite? I found Lady Elizabeth Forbes, the Honourable Kepple Craven, Sir W. Gell, and Doctor Holland, her physician. Do you recollect seeing Bergami there? Yes, I do. In what situation was he when you first saw him? He was courier, as well as I can recollect. His Lordship then stated that he remained at Naples only three or four days. Lady Charlotte Lindsay was with him at the time, and they travelled together from Nice to Naples. Her Ladyship did not accompany him when he left Naples. His Lordship next saw the Queen at Rome. There was an interval of a few days between seeing her Majesty at Naples and Rome; her Majesty did not remain at Rome more than three or four days. Did you dine with her Majesty at Naples? Yes; once; I do not recollect who dined there on that occasion; there was a considerable party. Did Lady Charlotte Lindsay dine there on that day? Yes. Where did you see her Majesty next? At Civita Vecchia. Her Majesty embarked at Civita Vecchia to go to Genoa? Yes. How long did she stay at Civita Vecchia before she embarked? Five or six days. Did you and Lady Charlotte Lindsay form a part of her suite when at Civita Vecchia. Yes, we dwelt in the same house with her Majesty, and dined at her Majesty's table. Were any other persons invited? Yes, the Master of the House on one day; Mrs. Calvery and her two daughters were there; she was the wife of a person in a very respectable situation; I believe she was

sociated with persons of the first rank in the country; one of the daughters of Mrs. Calverty was married to a gentleman of considerable rank in society. Did her Majesty embark in the *Clorinde* at Civita Vecchia? Yes, and I accompanied her; we disembarked at Leghorn; I again saw her in November, 1815, at Villa d'Este, near Como; I saw her Majesty first on the Lake of Como; Lady Charlotte Lindsay was at that time in England. Did your Lordship dine there on that day? Yes. At that time was Bergami sitting at the table of her Majesty? He was. Had you ever before seen him sitting there? Never. Did your Lordship stay longer there than the day on which you dined? No; I went away that evening; I slept at Como that night, and next day I went to Milan. Did you afterwards pay her Majesty a second visit? Yes, on the Sunday following, at Milan, I dined with her. When you were with her Majesty the first time, did you intend to pay a longer visit than to dine there? I do not recollect that I had such an intention; I only wished to pay my respects to her Majesty. Was Bergami there on the second day of your dining with her Majesty? Yes, he was. From that time have you had any opportunity of seeing her Majesty? No, I have not seen her since.

Cross-examined by the ATTORNEY GENERAL.

You stated when your Lordship was at Naples, that Bergami was courier; when you dined with her Majesty on board the *Clorinde*, at Naples, do you recollect that Bergami waited at the table? I remember he did wait, but I do not recollect where. Did he do so on board the *Clorinde*? I do not recollect; I rather think it was on board the *Clorinde*; Lady Charlotte Lindsay quitted the service of the Queen in 1815. When you visited her Majesty at Villa d'Este, was there any lady in attendance upon her Majesty? Yes, one Lady, who I understood was Countess Oldi. Did you converse with her at Villa d'Este? Yes. In that conversation did she speak parois, or pure Italian? She spoke with a slight accent of the Lombardy. Did you see her Majesty's grounds at Villa d'Este? Yes. Had you at that time a Greek servant? Yes. Did her Majesty accompany you into the grounds? Her Majesty first shewed me the grounds, and afterwards lent me a donkey to ride upon. What part of the tour round the garden was it that your Lordship mounted? I believe near the Queen's door. Did you afterwards see her Majesty in the grounds? Yes; I saw her walking about. Did you see your servant? I might have seen him, but I do not recollect. Do you recollect a summer-house or grotto there? Yes. Do you recollect seeing her Majesty with the servant near this grotto? No, certainly not. Did you ever state that you had seen her with him near the grotto? I never said that I had seen her in the grotto. I might have seen them in the garden; but I do not recollect the circumstance.

Examined by the PEERS.

LORD GREY.—Did you ever see any improper familiarities between her Royal Highness and Bergami, at any time when you saw them in company together? No, certainly none. You say the Countess of Oldi had a slight accent of Lombardy? Yes. Was there any

thing remarkable about her behaviour? was it what you denominate as vulgar? Not as vulgar; certainly not. Did you make observation upon her manners? I observed nothing remarkable; she was affable, very modest, and nothing vulgar, as I remember; not in the least. There is no impression upon my mind that she was a vulgar woman. Did you observe any particular difference between the manner of the Countess Oldi and other Italian ladies? I do not recollect any particular difference.

Lord LIVERPOOL.—How often did you see the Countess Oldi? Twice, when I called upon her Majesty, once at the Villa d'Este; and once at Milan. Did you know that she was the sister of Bergami at that time? I believe I did. I had been told so before then I believe.

Lord ERSKINE.—You say that her conversation was not vulgar? Yes.

Lord LAUDERDALE.—When you dined with her Royal Highness where did you sit? On one side of her. Where did Bergami sit? On the other side. Did her Royal Highness pay any particular attention to Bergami? No, not any particular attention, nothing remarkable. Where did Countess Oldi sit? On the other side of me. Who else was at the table? Mr. Austin, Lieutenant Hownam, a doctor, and a person whom I was informed had been a courier.

Lord KENYON.—You say you saw her Royal Highness and Bergami in a boat on the Lake of Como? Yes. When the boat moved was it in consequence of Bergami rowing it? Yes.

Lord BATHURST.—Did her Royal Highness introduce Bergami to you? No; nor Lieut. Hownam. Did she introduce the Countess Oldi? Yes. As Bergami's sister? No, not as his sister.

Lord DARLINGTON.—What was the deponent of Bergami towards her Royal Highness? Nothing particular, but very respectful. Were the grounds you spoke of adjoining the Villa d'Este, or the olive grounds next to them? The garden adjoining. It was a large garden. I cannot say if it was an acre or more in size. Did your Lordship make any particular observation upon the conduct and manners of Bergami? I noticed that they were unassuming, unobtrusive, not at all forward, and that is all I recollect; I was asked if I saw Bergami in the grounds—upon further recollection I think I saw him in the grounds, and mentioned them to her Royal Highness and Lady Charlotte.

By Lord ELLENBOROUGH.—From what you noticed of Bergami's conduct and behaviour, did you form any opinion of his filling an inferior situation to that which he had formerly filled? I cannot say I did.

FOURTH WITNESS.

Lord GLENBERRIE examined by Mr. WYLDE.

He stated that he and Lady Glenberrie were at Genoa when the Princess arrived there on the 25th March, and as Lady C. Campbell had not then arrived, Lady Glenberrie undertook to act as Lady of the Bedchamber to her Royal Highness. His Lordship

not swear it did not? I will not swear, because she might have taken his arm on some particular occasions; it might have happened without my being struck with it as extraordinary. You said just now that it must have struck you? If they had walked arm in arm it would have struck me. Then, though they did not walk arm in arm, the Princess might have taken Bergami's arm? She might, but I have no recollection of it. Your situation did not necessarily lead you into the Princess's bed-room? Very frequently it did. She sent for me. Was she always alone upon these occasions? Not always alone, sometimes there were persons with her. Do you recollect seeing Bergami in her bed-room? I have seen him myself there, because we dined in the bed room, and Bergami used to wait as servant upon the Princess, Mr. Austin and myself. Other servants used to come in and bring dishes. This was at Naples; did it happen frequently? Yes, it happened whenever her Royal Highness had no company to dinner, except on one occasion, when I had leave of absence to Pompeii. Did Bergami always wait on these occasions? I think he did, but I cannot positively swear. When did you quit the service of her Royal Highness? In 1817. Had any application been made to you to join her Royal Highness again on her journey before you took the resolution of quitting? Yes, there had. How long before? I cannot accurately remember. Was any proposition made by her Royal Highness to appoint Colonel Lindsay her chamberlain.

Mr. BROUGHAM objected to the question, but was willing to submit to any thing, rather than that delay should take place.

The LORD CHANCELLOR added, that it was the business of the House to do justice, and not to have illegal questions put. He therefore recommended an adjournment, and it took place accordingly.

TWENTY-FIFTH DAY—OCTOBER 6.

Dr. LUSHINGTON directed that Lady Charlotte Lindsay should be recalled. Her Ladyship was handed to the bar by Mr. Vizard, her Majesty's Solicitor.

Cross-examined by the SOLICITOR-GENERAL.

Do you know that there is a garden in the neighbourhood of Naples called La Savorita? Yes, there is. Did you ever walk in that garden with her Royal Highness? Yes, one day. Was Bergami also present? He was. Did your Ladyship in going from Naples to Rome, travel in the same carriage with her Royal Highness? I did. Did Bergami ride as Courier during that journey? He did. Did you also travel in the same carriage from Rome to Civita Vecchia? Yes, I did. Did Bergami ride as courier during that part of the journey? I believe he did, but I am not so accurate in my recollection of this as of the former part of the journey. Do you recollect, during the former part of the journey, Bergami coming up to the widow of the carriage, and saying, *A bonté Madame?* Yes, after

he was called, when her Royal Highness gave him some of the provisions in the carriage, as also something to drink. Have you a distinct recollection that it was after he was called that he came up? I think it certainly was after he was called. Is there any circumstance which enables your Ladyship to pronounce with certainty that it was so? No, merely because it was more natural that he should come after he was called. Then I am to understand that you have no recollection either one way or the other, and that your stating that it was after he was called is a mere inference from reasoning in your own mind? It is; there was nothing struck me as particular in the circumstance. Was there any bottle in the carriage which her Royal Highness handed to him? There was a bottle of wine.—Did he drink from the bottle? I think he did. From the bottle itself, without any glass? Yes, I think so. Did he afterwards return the bottle to her Royal Highness? I am not quite positive; I fancy he did, but I am by no means positive. Her Royal Highness and I had taken our refreshment before, but whether he returned the bottle or threw it away I cannot be certain. Although you are not certain, which way was it according to the best of your recollection? I rather think he returned it to the carriage. After you had made up your mind to quit her Royal Highness, did you not state that it was a vast relief to your mind to have come to that resolution? I have no recollection of having said so. I beg to ask your Ladyship more particularly, whether, after you had come to the determination to leave the service of her Royal Highness, you did not say, that it was a vast relief to your mind, and that you considered that no woman who had any regard to her character could remain in the service of her Royal Highness? Certainly, I do not recollect having ever stated any thing in such words. Did you ever say any thing to that effect? No. Am I then to understand that you will not undertake to say that you did not make use of these very words? I did say I did not make use of any such words; I do not recollect that I did.

The SOLICITOR-GENERAL repeated the question.

I can only say, it is extremely improbable I should have made use of such words; I do not recollect that I did. Will you swear that you did not make use of words to that effect more than once? I have no recollection of having used word to that effect. But you will not undertake to say that you did not? I can only say as before, that I have no recollection of having said so, and I think it improbable. Do you recollect, when you quitted the service of her Royal Highness, saying this; that if you had not an anxious desire to assist a particular individual out of the savings of that service, you would have left long before? It is very possible I might have said so, but I do not recollect that I did. Will your Ladyship undertake to say, positively that you did not? I can only say I have not the least recollection of having said so to any body.

Re-examined by Dr. LUSHINGTON.

The Solicitor-General asked your Ladyship, whether any communication had taken place as to your resignation; to whom was that

communication made? To my husband. To any one else? To no one else. Is Mr. Lindsay a person in distressed circumstances? He is. Has he been long in distressed circumstances? Some years. Have ever any difficulties taken place while, you were in her Majesty's service, as to the payment of your Ladyship's salary?

The SOLICITOR GENERAL objected to this question, as not having any application to what had taken place in the course of the cross-examination.

Mr. BROUGHAM said it was meant to shew, by that course of examination, that there existed embarrassments to render her Ladyship's stay in the Queen's service disagreeable.

Dr. LUSHINGTON said, it had been attempted to fix an imputation upon her Majesty by cross-examination. It became necessary to explain the reasons her Ladyship had for thinking the situation disagreeable, in order to remove any wrong impression which might be received to her Majesty's prejudice.

Lord LAUDERDALE.—For the sake of order, the witness should withdraw.—Her Ladyship immediately withdrew from the bar.

The SOLICITOR-GENERAL then stated, that if the Learned Counsel for the Queen had asked the question with the view which he had just described there could be no objection to it.

The witness was then called back, and the question was again put, wheter any difficulty had existed as to the payment of her salary? Yes. At one time there was a good deal of arrear due. Did any circumstances occur in 1817, which were calculated to render your stay in the situation particularly disagreeable? (Her Ladyship was in tears, while she gave her answer, which was)—Yes, I suffered a considerable depression of spirits. Had you at that time any near relations? Yes, I had lost two. Were they not the late Lord Guildford and Lady Glenbervie? Yes. I beg to ask your Ladyship, whether you observed any thing in the conduct of the Queen, any impropriety in her Majesty to induce you to quit her service? I myself never did perceive any thing improper.

Lord DONOUGHMORE.—You said you joined her Majesty ten or twelve days before she quitted Naples, and other circumstances, which led to the inference that the experience you had of the deportment and conduct of the Queen extended over a period of 24 days? In Italy. That is a part of the time comprised in the Bill. During that time that you say you were abroad, you say you observed no impropriety in the conduct of her Majesty towards Bergami? None. What part of the English suite was with her Majesty when you joined her at Naples: was Sir William Gell there? Yes. Did he stay at Naples or did he resign? He resigned on account of ill health. Was the Hon. Keppel Craven there? Yes. Did he remain, or did he resign? He also resigned. Was Captain Heste in her Majesty's service when you joined her Majesty? He was at Naples; but I do not know that he was in the service of her Majesty. At the time the persons you have mentioned quitted the service of her Royal Highness, were you aware of any other persons having joined her? Yes. Was Bergami in her service?

He was ; I found him in her service. Did a sister of Bergami join her at Naples ? Not that I am aware of. Do you remember Louis Bergami joining the Princess at Naples ? I think I do remember him. Do you know if he was taken into her service there ? No, I do not. Do you know a child of Bergami's of the name of Victorine lying with the Princess ? No, I do not. You said you saw nothing improper in the conduct of the Princess, while in her service, which induced you to quit it ? No, I saw nothing improper. Was there report ?

Mr BROUGHAM objected to the question.

The LORD CHANCELLOR said, reports could not be admitted as evidence, but he thought the question might be so put as to be unobjectionable.

LORD DONOUGHMORE. — Were there any reasons operating on your mind which induced you to quit the service of her Royal Highness, except what you have stated ? Certainly I had seen nothing improper in the conduct of her Royal Highness, while in her service ; but reports of so unpleasant and degrading a nature were circulated, as to operate on my mind, and induce me not to remain in her service.

LORD FAIRLAND. — Did your ladyship observe any degree of familiarity in her Majesty towards menials, male or female ? I conceived her Majesty to be affable and familiar to all her servants. Was it such affability as is usually shewn by the higher classes of society in this country to their inferiors ? I think there is more familiarity shewn by the higher classes in Italy than in England. I thought the manners of the Queen rather peculiar. Did you think them peculiar in a foreigner ? I am not, perhaps, very well able to judge of that. The foreign nobility are more apt to converse with their servants than the English. The Queen had the familiarity of a foreigner. Did you think that familiarity greatly exceeded that of foreigners, so far as you have had an opportunity of observing it ? No, not greatly. In speaking of your observing an improper familiarity on the part of the Queen to Bergami, had you a reference to that peculiarity ? I had. Did you observe any thing extraordinary or unbecoming in the conduct of the Queen towards Bergami ? Nothing extraordinary or unbecoming. Her Majesty talked to Bergami as she used to do to Sicard and various other persons in the family.

EARL OF LAUDERDALE. — Your Ladyship has stated that you quitted the service of the Queen in consequence of a communication from your brother. Was that communication in writing ? It was. Have you that letter in your possession ? No, I have not.

Mr. BROUGHAM objected to the question.

EARL OF LAUDERDALE. — Was it in consequence of the difficulty of obtaining your salary, that your brother requested you to leave the service of the Queen ?

Mr. BROUGHAM objected to the question.

The LORD CHANCELLOR. — Does your Ladyship know the letter is in existence ? I believe not. Have you made any search for it ? have not.

conduct of her Royal Highness calculated to reflect disgrace on her own country? No, I did not.

By Lord ELLENBOROUGH.—Do you recollect being present at a masked ball given by her Royal Highness at Naples? Yes.

Do you recollect the dress which her Royal Highness wore on that occasion? I do not.

No further questions were asked this witness.

SEVENTH WITNESS.

The Hon. KEPPEL CRAVEN examined by Mr. DENMAN.

Were you in the service of her Royal Highness the Princess of Wales in 1814? I was. Did you go on the Continent with her Royal Highness? I joined her Royal Highness at Brunswick; I went with her from Brunswick to Milan, and thence to Naples. Before you went to Brunswick, had it been arranged how long you should remain? Not exactly; but as long as my affairs would admit of my absence. How long did you remain? Longer than I at first intended. Where did you leave? At Naples. And why? It was understood that I could not stay more than two or three months, but when I arrived at Naples, I found I could remain longer, and I said so to her Royal Highness. Then you remained two months longer? Four. When at Milan, was a courier discharged for improper conduct? No, but it was understood that he would be, as soon as another could be found. Did you ask the Great Chamberlain of the Emperor of Austria to provide you with a courier? I applied to the Marquis Ghisiglieri who attended upon the Princess at Milan, as her Chamberlain. Did he mention any body to you? Yes, he mentioned a person whom I found afterwards to be Bergami. Did he recommend him as a fit and proper person to be entrusted with the confidence of her Royal Highness? He recommended very strongly. Did the Marquis tell you that he knew any thing of the family of Bergami? That he had known them long, and that they had been in better circumstances, and that he wished him to be encouraged and promoted. Did you know Bergami before he was recommended to you by the Marquis? Not at all. Were you desired by the Princess to make inquiry for such a person? Yes, I was. Did you communicate to her Royal Highness the result of that inquiry? I did. What did you say to her? I told her that the Marquis wished to recommend a person whose family he had known for some time, and for whom he was anxious to provide a good situation. I said also, that the Marquis had recommended him in a very strong manner. Did you say any thing to the Princess as to the situation which the Marquis desired he should fulfill? I told her Royal Highness that the Marquis wished him to remain as courier. You stated this to her Royal Highness? Yes, I repeated all that the Marquis had said to me. Was any thing said about promotion or advancement? The Marquis said he was anxious that Bergami should be out of livery. Did you ever see the Marquis and Bergami together? Yes, I have seen them together. Where? At Milan. Upon your approach to Naples were you met by any person? By several officers. Do you re-

collect any particular persons calling upon her Royal Highness the following day? Yes, the King and Queen of Naples. Do you know where her Royal Highness dined that day? On the second day after her arrival at Naples, she dined with the King of Naples. Was there any thing after dinner? Yes, a Concert. Were you at the Concert with her Royal Highness? Yes, I was in waiting. On the evening following that do you know where her Royal Highness passed the evening? Yes, at the Opera. Do you remember the box she sat in at the opera? Yes, with the King and Queen. Was the opera over soon or late that night? Rather later than usual. Why was it so? It is later at that time of the year; but it depends on the length of the dance. Did her Royal Highness remain till the close of the performance? Yes, she did; till the curtain dropped. Do you remember, at the last ball given at Naples, what dresses her Royal Highness wore? Yes, I perfectly remember two of them well. What were these dresses? One was the dress of a Turkish peasant; the other of a Neapolitan; and the third was what I was told was the Genius of History. Did you see it? I did. What kind of a dress was it? It was a dress of white drapery, that came high up to the neck. Was it an indecent dress? No, certainly not. Did you see the Turkish dress? I did. Was it not possible for her Royal Highness to have put her dress of the Historic Muse over the dress of the Turkish peasant? I cannot say. Was it necessary for her Royal Highness to have changed the whole of her dress? I should think not. Did you ever see any degrading familiarity between her Royal Highness and Bergami, after he was engaged at Milan till you left at Naples? Never. Did you ever observe any impropriety in her Royal Highness's conduct?—Never. Did you see the Countess Oldi? Once. Was the Countess Oldi a vulgar woman? No, certainly not. Did you ever hold any conversation with her Royal Highness about young Austin, before she arrived at Naples? Yes, I did. I told her Royal Highness that he was of an age that it would be proper in future for him to sleep in another apartment, as it might be noticed in Italy. Did you ever see Baron Ompteda at her Royal Highness's table? Yes, frequently, he dined at her Majesty's table with me and others. Did Majocchi wait at table? Yes. Must Majocchi have seen Baron Ompteda? Yes, frequently. Was the Baron Reding, the Hanoverian Minister, at Rome when you were there? Yes. Is Marquis Ghisiglièri now dead? Yes.

Cross-Examined by the SOLICITOR-GENERAL.

Where did you speak to her Majesty about young Austin? I do not know the place; it was soon after we left Brunswick. You say you took no particular notice of the third dress at the masked ball at Naples; I mean the Genius of History? I did not see it but a very short time. Was Bergami at the ball? I remember all the servants were there; I do not recollect seeing Bergami. Did you not reside out from her Majesty's residence while at Naples? I and Sir W. Gell lodged out, but we always dined with her. Did you

mention to Lady C Lindsay, or any other person, that you had represented to her Royal Highness what had been observed on the terrace at Naples? I did not mention it to Lady Lindsay but to another person. Please to say what you saw, and what you represented? I saw her Royal Highness and Bergami walking in the garden, I knew that there was a spy present, and I cautioned her that the outward appearance might be misconstrued. How long after you arrived at Naples was this? I cannot say positively. Was it two or three weeks? It might, I can't say positively, it might be a month. You saw no other persons in the garden? No, but her Royal Highness told me she had taken Bergami to speak to the workmen. Were there workmen in the garden? Did you see them? I did not see them. I was told there were workmen employed in the garden.—How long before her Royal Highness left Naples did you quit her service? I left her service when she quitted Naples. Did you go to the Theatre St. Carlo when her Royal Highness was there, and you were not one of her party? Yes. Were you ever at a masquerade at Naples with her Royal Highness, when you were not at her party? I never was but once at a masquerade with her Royal Highness at Naples. Was Bergami in the dress, and did he act as Courier at that time, and wait at table? Yes, every day. Did Hieronymous act as courier? Yes, he did.

LORD ERSKINE—At the masked ball you said you did not particularly observe one dress, but if her Royal Highness had wore a dress that was indecent, must you have observed it? Yes, I must. Then Sir, were either of the dresses indecent? They were not.

LORD GROSVENOR—Did you consider the manners of Bergami superior to those of an ordinary courier? Yes, I did.

LORD ELLENBOROUGH—Were the manners of Bergami, those of a gentleman? They were superior to a courier, they were not so servile and fawning as the usual servants in Italy.

LORD LIVERPOOL—You gave her Royal Highness a hint about her conduct? Yes, I did. Should you have given the same hint to her Majesty if she had been walking with any other servant? Certainly I should.

LORD DONOUGHMORE—After you left her Royal Highness in 1814, when did you see her again? Not for four years.

LORD ERSKINE—Did you ever see any thing in the manner of Bergami inconsistent with the manners of a servant? I never did. When her Majesty visited the King of Naples, were there women or men near her Royal Highness? There were men always near to guard her; they were her servants; Mr. Sicard and the other servants.

LORD LAUDERDELE—Do you recollect her Royal Highness going to Pesaro? Yes, I do. Do you recollect seeing Bergami on that occasion at Pesaro? Yes, he came with a message for her Royal Highness. Do you recollect Bergami talking to your servant at dinner-time? I did not observe it. Did you sup with her Royal Highness that night? Yes, I did. Who supped with her Royal Highness? I did not know any

of the party except W. Austin. Was there any singing after supper? Yes, a lady sung a song and played on the piano-forte. You knew Bergami as courier, and afterwards that he was promoted to the rank of gentleman? I heard so.

LORD COMBERMERE.—Did you observe any impropriety in Bergami walking behind his mistress in the garden? No. What reason had you to caution her Royal Highness? Because I heard there were spies about, and I thought it might be said to be improper.

EIGHTH WITNESS.

SIR WILLIAM GELL *examined by* Mr. WILLIAMS.

You are Chamberlain of her Majesty the Queen? I am. How long have you been in the service of her Majesty? About a month before she went abroad. Did you go to Brunswick with her? Yes, and to Italy. Do you remember a courier being discharged? Yes, he was discharged at Florence. Did you apply to any person for another courier? I think the Marquis ——— recommended the courier to me. Did the Marquis ever mention to the Queen, in your hearing, the recommendation of Bergami? Yes, he did. What did he say, and what recommendation did he give? He said he knew his family, and that it had been ruined in the French Revolution, and that Bergami was strictly honest, honourable, and would do his duty. Did he say any thing else? He said that Bergami was superior to the situation upon which he was about to enter, and that he hoped he would be exalted as early as her Royal Highness could, for he was an honourable man. I recollect when the Marquis was taking leave of Bergami in the street, and before many persons, he took him round the neck and kissed him several times. It is the custom of that country. Do you mean among equals? Yes, among gentleman. Do you remember her Royal Highness and her suite arriving at Naples? Yes. Was she met by the King of Naples before she arrived? Yes, at Aversen, about six miles from Naples. Do you recollect the Queen of Naples calling next day on her Royal Highness? Yes; and her Royal Highness was invited to a concert the same evening. Do you know when her Royal Highness quitted the concert? It was about eleven or twelve o'clock when it was over. Do you remember going next evening to the theatre of St. Carlos at Naples? Yes. Who was there? I remember every one who was there.—The state box was illuminated for the purpose. The King and Queen of Naples were present in the box. I remember the ballet and the opera. What time was the ballet over? Half past twelve or one o'clock. How did her Royal Highness go from the opera to her home? As she came, in her own carriage. Was there a garden close to her Majesty's residence? Yes. Was there any alterations in the garden, in transplanting trees or improvements? Yes, I remember workmen being in the garden, the trees were tied and nailed up, they had fallen over the paths. How soon was that after her Royal Highness had arrived at Naples? I cannot say. Do you remember her Royal Highness giving an entertainment to the King of Naples?

Yes. Were you present? Yes. Did you witness the crowning the bust of King Jachim? Yes. (The witness then gave a description of the crowning of the bust with wreaths by the Neapolitan ladies.) Do you remember the dress of the Princess of Wales on that occasion? I remember it well, it was a figure or statue of Minerva resembling that in the possession of Mr. Hope—it was very long and draped. Was the dress indecent? Certainly not. Was the Duchess and Countess who were present dressed in similar dresses? Yes, they were. Did you attend her Royal Highness farther than Naples? No, I did not. Were you in attendance upon the Queen on the year following her return from Turkey? Yes, at the Villa Routenelli and Villa Grande. How long did you remain in attendance upon that occasion? Three months. At that time do you remember whether any persons of distinction visited her Majesty? A great many. What reason had you for not continuing longer than three months in attendance? Because her Majesty was going to the North to settle her affairs, and she gave me leave to go to Naples. Where was the Queen going to? She had an idea of going to Como. A large party was invited to go with her. The Prince of Saxe Gotha, and several others. Have you been in attendance upon the Queen since that time until lately? I have only been in attendance for a few days, while the Princess passed through Rome. Were you then employed to apply for a passport for the Queen? No, I was not. Have you yourself seen the passport? I saw the order for the post-horses, which was considered as a passport. It was signed by the Secretary of State. Where did you leave that passport. At the first post on the road from Rome. How was the passport made out?

The ATTORNEY GENERAL objected to this question upon two grounds; the one upon a point of law, and the other upon fact. First, the order for the horses must be produced, and secondly, that it was a fact wholly immaterial to the Court.

Mr. DENMAN was prepared to prove, that the order could not be produced, it being in the hands of those who were out of the jurisdiction of their Lordships, and that the fact was most material to the reference, because he could show that the Secretary for the Pope had dared, without waiting for the result of this inquiry, to word the passport in such a manner as to insult the Queen of England. Her Majesty was therein styled not the Queen of England as she was, and ever would be until degraded, but the Princess Caroline of Brunswick. It could be proved, and before the termination of the inquiry it would be shewn, that the witnesses for the prosecution had perjured themselves.

The ATTORNEY GENERAL replied. He appealed to their Lordships whether it were to be allowed that he should be made the subject of the invectives of the learned Counsel. Facts had been advanced without even the shadow of proof, and he still persisted in the two objections which he had raised;—he called upon their Lordships to compel the other side to confine themselves to the strict rules of evidence, or otherwise there would be no termination to the enquiry. His learned friends had no right to call an individual, who happened

accidentally to see it. Without procuring a copy of the document, no notice could be taken of it.

The Earl of LAUNSPHANE was not clear that the order for the post-horses could be considered in the light of a passport; he thought that at least the instrument or copy of it might be produced.

The Marquis of LANSDOWNE observed that it was impossible that the passports could be preserved. There would be more passports than the Vatican could hold if such care were taken.

LORD RUSSELL considered that it would be a great hardship to deny to the Queen of England her right and title as Queen of these realms; and he saw no objection to the examination of this witness with respect to the passport, as it would be impossible to obtain a copy of it. There was certainly a distinction between office copies and examined copies, and he would be glad to know which of these two would be required by their Lordships.

The Marquis of LANSDOWNE conceived that it was an important question, inasmuch as it might prove a conspiracy against her Majesty. If this proof were not allowed, he conceived their Lordships would be guilty of a gross act of injustice.

The Lord CHANCELLOR could not admit the question to be put. Unless some proof were given that an application had been made for the passport, and that it had been refused, the witness could not be examined on this point.

The examination of Sir W. GELL was then continued by Mr. Wilson.

When you saw the Queen at Rome, did you see Bergami there? Yes, several times. Did you see Bergami as well in the presence of the Queen as when she was not there? Yes, several times. In the demeanour of the Queen towards Bergami, or of Bergami towards the Queen, did you see any thing improper? Not in the least. In what manner did Bergami conduct himself towards the Queen on any occasion when they were together? With the most marked attention, generally speaking as one would expect; he did every thing as he ought to do. I observed nothing singular or particular. Was the Countess Oldi in attendance upon the Queen at this time? No, not the last time she was at Rome. Had you seen the Countess previously? Yes, twice at Rome. What length of time was the Countess in attendance upon the Queen? She was at Villa Grande and at Rome with her Majesty about five months. Had you an opportunity of observing the Countess Oldi during that period? Yes, I had a very good opportunity. I generally sat next to her every day at dinner. Is the Countess Oldi a person of low and vulgar manners? Certainly not. What is the appearance and demeanour of the Countess? She is rather a good looking, respectable, modest lady. Upon any occasion when Bergami has come to you when the Queen was not present, how did he behave towards you? I should say upon all occasions he was rather more respectful than necessary; generally speaking, he required pressing to sit down. You have been for some time in Italy I understand? Yes, several times. At different times I have been there, almost always since the Queen has been abroad.

According to the habits of that country is it unusual for men servants to go into bed-rooms when ladies are in bed? I believe it is not at all uncommon. It is very usual I believe. Did you know Baron Ompteda? Yes. Do you know of his dining with the Queen? Certainly. You have been in the East, and therefore knew the dances common there? I do. Describe the dance which Mahomet is said to have exhibited before the Princess? I believe every body in London has seen the Spanish bolero; it is something like it; in one part two performers take attitudes of defence, and sometimes they are amours; it is seen by ladies and gentlemen all over the South of Europe, and extends, I believe, to China; I have seen it both at Rome and Naples.

The witness then stated, that the English and Neapolitan nobility both visited the Queen in Italy, and likewise attended the court and balls of Murat. He had seen there the Marquis of Sligo, Lord and Lady Cunningham, Lord and Lady Clifford, Lord and Lady Holland, Lord and Lady Landaff, Lady E. Forbes, and many others; he did not recollect to have seen Lord Exmouth dine with the Queen.

When you were at Rome on the last occasion, do you know whether Bergami was received in the families of the Roman nobility? I do not know; I believe he never went out.

Cross-examined by Mr. PARK.

How long were you at Rome the last time? A few days only. How long were you in attendance on the Princess at Rome after her return from her long voyage? The whole time, I should think a very few days. And then you went to Naples? Yes, by leave of the Queen. Were you with the Princess when she arrived at Naples? I was. At what time of day was it? About sun-set. You said there was a garden behind the house, did you ever see the Princess walking in that garden? Yes, one morning. Did you ever see Bergami walking there at the same time with the Princess? Yes, in the terrace. How long did you see them walking in that way? Perhaps half a minute.

Where were you? In another wing of the terrace. Did you see any body else in the garden at the time? Only a man making up trees. Were you at masquerade with the Princess, at the House of the King? I was there the whole time, and was very much fatigued with it. Did you see Bergami there? I believe I saw him there with the rest of the servants who were generally waiting on the company, handing ices, &c. Then you did not see him there at any other time, but with the rest of the servants? Not that I recollect. Did you see the Princess when she wore a Turkish dress? I think I did, but I have not a distinct remembrance of it. When you saw her in a Turkish dress, did you see any other person dressed as a Turk? I believe there were a great many others. Was she by herself at that time, or forming a part of a group of Turks? It is impossible to say at a Masquerade. And you attended her upstairs when she changed her dresses? I was once with her up stairs in the course of the evening. Did you accompany her down? I might

come down stairs with her, but I did not hand her. Do you recollect in what character she was at that time? I really do not.

Examined by the PEERS.

LORD ERSKINE—You said that you never saw any impropriety whatever in the conduct of the Princess or Bergami towards each other? Never on any occasion. You are a man of the world and have lived a great while in it, I wish therefore to ask you this question; supposing it had been proved that there was a criminal intercourse between the Princess and Bergami, and that Bergami had acquired a complete dominion over her mind and body, do you think it probable that you could have observed nothing of the kind?

THE SOLICITOR-GENERAL objected to the question as illegal.

LORD ERSKINE thought it perfectly regular, but if the learned Counsel wished it not to be put, he would not put it.

THE SOLICITOR-GENERAL replied that he had no wish but to do his duty, therefore had objected.

LORD ERSKINE held it very material that the learned Counsel should have made the objection, and he would allow him all the benefit of it.

LORD ELLENBOROUGH—Did you observe any thing in the conduct of the Princess towards Bergami, in her conversation, manners, or looks, to induce you to entertain the idea that there was an adulterous intercourse between them? Upon my honour, I never saw the Queen speak to Bergami but on matters of business; though I was in the house three months together. I wish for a more distinct answer? I never did. Was there any thing in the manners of Bergami which made it disagreeable to you, as a Gentleman, to share with him the duties of Chamberlain? On the contrary, he was remarkably attentive to me. Did you observe any thing in the conduct of Bergami towards the Princess, different from that of any English Gentleman? Nothing but that he was more attentive.

LORD LIVERPOOL—After the Opera at Naples, on the second night, do you know whether the Princess retired to her own chamber, or where she went? She retired to her own chamber. I was waiting at the door, and having made my bow I went out, and I believe she went to bed immediately.

LORD ERSKINE—Where did Bergami sit at table when you were at the table also?—Somewhere on the left of the Princess. Next to the Princess? Sometimes next, and sometimes at a distance. Did you sit on the opposite side of the Queen? Generally, when there was no company, on her right hand. When visitors were present did Bergami continue to occupy his place? That was just as it happened according to rank. What situation did Louis Bergami hold in the establishment of the Princess? I believe he was chamberlain. Where did he sit at the table? Generally, at the other end.

The following question was put by the Lord Chancellor, at the request of the Solicitor-General—When her Royal Highness appeared in the Turkish dress did she or did she not wear trowsers? Yes, I happen to know what these trowsers were. They are very much

like a common petticoat sewed slightly between the legs at the bottom, such as are often worn in the Levant.

(At the suggestion of Mr. Williams)—When you saw the Princess and Bergami walking on the terrace, could they or could they not be seen by persons in the surrounding houses? Yes, from every house in the neighbourhood.

By Lord BROWNLOW. Whether or not, on the occasion when the Princess went up stairs to change her dress, any attendants were with her to assist her, and if so, who it was? To say the truth she had a great number of attendants; the door was open and shut by every body, and they went in and out of the room. Was Dumont there? I do not remember, but I dare say she was.

Lord FALMOUTH. You said that you saw on one occasion the Queen and Bergami walking together on the terrace; were they walking arm in arm? No, at a little distance.

The witness was directed to withdraw, and as it only wanted a few minutes to four o'clock, the house adjourned.

TWENTY-SIXTH DAY.—OCTOBER 7.

WILLIAM CARRINGTON examined by Dr. LUSHINGTON.

What situation do you now hold? I am Sir William Gell's valet. How long have you been in that situation? Nine years. Did you attend Sir William Gell to Naples in the latter end of the year 1814? Yes, I did. Did you live in the house of the Queen? I did. Do you remember Bergami coming into the service of the Queen? Yes, I do. In what capacity? As courier. Did his coming into the service of the Queen excite any jealousy? I never heard that it did. Was there any jealousy after he came into the Queen's service? I never saw any. Do you remember the first night of the Queen's arriving at Naples? I do. Where did Bergami sleep that night? In a small room over that of the steward. Who was the steward? Mr. Sicard. Did Bergami sleep in the same room on the second night? No, he did not. Why was his apartment changed? Because the room was so low that he could not stand up in it.—Memorandum—Bergami is between six and seven feet in stature. Do you remember the room into which Bergami removed? Yes, I do. How near was that room to the room of the Princess? About sixty feet distant. Were there any other rooms between those of the Queen and Bergami? Yes, three rooms and a passage. Can you tell who occupied these three rooms? Yes, I can, William Austin occupied the first, Mr. Hieronymus the second, and Dr. Holland the third. Am I to understand that all these rooms intervened between the room of the Queen and that of Bergami? Yes, all of them. Do you remember being at a masked ball at Naples? Yes, I do. Do you recollect if the servants appeared in any particular dress on that occasion? No, I do not. Did you wait on that occasion? Yes, I did. Did you travel in the suit of the Queen in her journey to Naples?

Yes, I did. Do you remember William Austin? Yes, I do. Can you tell where Austin usually slept before you went to Naples? Yes, he usually slept in a separate room when there was one; when there was not, he slept in the room of the Princess. Do you know a person of the name of Majocchi? I do. Did you see Majocchi at Ruconelli? I did. Did you ever hear him mention a person of the name of Ompteda? I have. What did he say about this Ompteda?

THE ATTORNEY-GENERAL objected to the question; as no conversation that passed between the witness and Majocchi respecting Ompteda, could be evidence. He conceived it could not be put in order to contradict the testimony of Majocchi, for it was a point on which Majocchi had never been examined.

THE SOLICITOR-GENERAL supported the objection. If the object of putting this question was to contradict the evidence of Majocchi, the Learned Counsel on the opposite side should state what part of it they intended to impeach; but in the examination of Majocchi there did not appear any questions on this point. They could not examine a witness as to a collateral enquiry to impeach another witness, when that witness could not afterwards appear.

Dr. LUSHINGTON contended warmly for the question. He denied that because Majocchi had not been examined as to what he had said respecting Ompteda, that another witness might not be examined upon it. He was sure that their Lordships would agree with him, when he said that no question was irrelevant or unimportant, which tended to shew that Ompteda acted as a spy—suborned witnesses—picked locks, and broke the most sacred ties of society, to impeach and ruin the character of the Queen—of the wife of the Sovereign whom he then served. The conduct of the Queen was at issue, and it was not only due to her Majesty, but the duty of her Counsel to shew the means that had been resorted to to injure her character and to bolster up charges against her.

Lord REDSDALE objected to the source of argument pursued by the Learned Gentleman, and moved that Counsel should be ordered to withdraw. Counsel withdrew.

Earl GREY thought that the Learned Counsel was not exceeding the bounds of his duty to his client.

The Lord CHANCELLOR said, that it was the first time in his life that he had ever heard it proposed to prove the acts of a third person by a conversation between two other persons. If Majocchi had been asked whether he had had any conversation with the witness Carrington respecting Baron Ompteda, it would certainly have been relevant to examine Carrington as to his recollection of what passed between them; but no such question had been put to Majocchi.

Lord LAUDERDALE begged to refer their Lordships to pages 63 and 73 of the evidence.

Lord ERSKINE rose to speak to order, and was proceeding, when

Lord LAUDERDALE said, that his Noble and Learned Friend would not, perhaps, think him out of order when he knew on what account he referred to the evidence. He was of opinion that the question could be put; (a laugh). He wished to save her Majesty's Counsel the trouble of doing that by argument, which was already done by evidence. In the pages of the evidence to which his Lordship had referred, it would be seen that Majocchi was examined as to the imputed intrigues of Baron Ompteda, and asked particularly whether there was any talk among the household of the Princess respecting the Baron.

Dr. LUSHINGTON resumed. When stopped by their Lordships in the course of argument he was pursuing, it was not his intention to offer, nor had he any conception that he could, by possibility, make the declaration of Majocchi evidence of the acts of Baron Ompteda. He must contend, however, that the conduct of Ompteda was of importance to the elucidation of the truth of the case; that it was not a collateral issue, but an essential point, deserving of the most serious investigation. If in a subsequent part of the evidence, her Majesty's Counsel should be able to demonstrate that plots against her Majesty had been concerted, had been carried into execution, and had been detected,

the evidence would afford a complete explanation of the conduct of her Royal Highness, and free it from all those injurious imputations to which it had been malignantly subjected. It would shew, for instance, why her Majesty had, in recent times, been under the necessity of having always a person to sleep near her, on whose fidelity she could fully depend. It was to elicit this fact that Majocchi had been asked what he knew of Baron Ompteda, and of the plot in which he had been engaged. Majocchi had been pleased to deny the least knowledge of the existence of any such plot, and certainly it was open to her Majesty's Counsel to shew, by counter-testimony, that Majocchi did know of it, and was in the constant habit of speaking about it. To every question on the subject of the Baron Ompteda, Majocchi had answered by a "*NON MI RICORDO*;" he did not even remember the name of the Baron, it was so extraordinary or unusual. Was it not then competent to her Majesty's Counsel to shew that all this was false testimony? Were they not entitled to remove any impression to disbelief as to the plot which the denials of Majocchi might by possibility have created in their Lordships' minds? And how could this be better done than by shewing out of the mouth of the witness at the bar, that Majocchi was in the habit of speaking of Baron Ompteda; that his name and his intrigues were equally familiar to him; that he used to boast of his own courage and fidelity, saying, that if he durst, he could "kill him like a dog." Were these things of no importance to be proved? Were her Majesty's Counsel not entitled to do away the effect of this man's perjury; to prove that he was perjured? The only objection which he conceived might reasonably be made to their proving so was, that it was a work of supererogation to attempt to detract from credit which no longer existed.

Mr. BROUGHAM followed on the same side, and pointed out to their Lordships' attention, some parts of Majocchi's evidence not referred to by Dr. Lushington, shewing more clearly the relevancy of the inquiry in which his Learned Friend had been interrupted. He thought it strange, that whenever any question was put about this Baron Ompteda, his Majesty's Counsel should invariably oppose it with all their might—*per fas aut nefas*.

The ATTORNEY-GENERAL replied. He animadverted in warm terms on the style of argument invariably pursued by the Learned Gentlemen on the opposite side. They had no right to say that the credit of Majocchi was completely destroyed; that still remained to be shewn by the course of the case. In the Courts below such a course of examination could never be permitted, for it was a well known established principle that a question must be previously put to the witness whose evidence an attempt was made to destroy, before another witness could be examined as to any conversation, and for the best of reasons, that an opportunity might be afforded of explaining all the circumstances of that conversation. All he could say was, that no evidence at all had been given relative to Baron Ompteda in the case for the Bill, and therefore the Learned Counsel had no right to examine on that subject. Slanders and calumnies innumerable certainly had been heaped upon the memory of the Baron, by Mr. Brougham.

The LORD-CHANCELLOR said, that it was not established upon any principle of law, that a witness, in defence could be questioned upon a conversation which had not been treated of in the former part of the case.

Lord ERSKINE said, he considered it a privilege of the Counsel for the Defence, not only to refer to what the witness Majocchi had said, but to accompany it with such comments as appeared to them necessary to the defence. The House were to look at what Majocchi had said; and the Learned Counsel proposed to shew, from the conversation between Majocchi and the witness, that his evidence was false. The House were bound to hear it.

Mr. BROUGHAM wished simply to state his proposition. It was past all doubt that nothing that Majocchi had said could be evidence of what Ompteda had done; but Majocchi having said, in answer to five or six questions; "I do not remember," and in answer to two questions; "I do not know," he wished to ask this witness whether Majocchi not only remembered what he had denied, but whether he must not have remembered the circumstance in all its details; that,

in fact, it was of such a nature that it could not be forgotten. Nay, that he had told such things as made it perfectly clear that he had an accurate knowledge of every thing connected with the circumstance. He (Mr. Brougham) contended that Majocchi having sworn that he was ignorant of certain things, the proof must be permitted to be given of the contrary, for he was the very person who had told those things to the witness. The Attorney-General had admitted that if any question had been asked Majocchi, as to the conversation about Baron Ompteda, there would arise a right to examine other witnesses to that subject. How, then, could the permission be refused, when the evidence of the present witness would go to prove that he was cognizant of facts, the knowledge of which he had denied. To prove his right to examine to this point, he was not only supported by the authority of what had taken place before their Lordships in the case of the Duchess of Kingston, but by the case of Elizabeth Canning, at the Old-Bailey, in which it was ruled, that a Counsel was not to be limited to any particularity in his endeavour to prove the falsehood of an evidence. It would be desirable to put it to the Judges whether, a witness having sworn to his ignorance of certain facts. Counsel should not be allowed to prove that he was acquainted with them. Suppose that he asked a witness whether he knew that A B picked locks, and was turned out of the house for it? and that that witness said he knew nothing of it, would he not be allowed to prove that the witness was present when the locks were picked? He (Mr. Brougham) could prove that Majocchi was present when the fact took place. There could be no hesitation then as to his knowledge of that which he said he was ignorant of. It would be a powerful contradiction to him (Majocchi), that he had told to some one, who had previously known nothing of them, facts of which he had sworn his ignorance. If the question had been put to Majocchi, which, *ex consensu*, on all hands would have entitled Counsel to examine upon the conversation, how could the privilege be denied when it was considered that the reason that questions had not been asked was, that they did not know whom it might be necessary to call and what it might be necessary to contradict?

THE ATTORNEY-GENERAL said, the argument of the Learned Counsel was merely a repetition of what had been said before; and argued against the right to ask the question in the present state of the case in nearly the same terms he had used before. The Learned Gentleman continued, in a tone of great warmth, to argue against the question. If Majocchi had been examined as to the conversation with Carrington, then it would have been permitted to the Learned Counsel on the opposite side to examine their own witness on the subject. But that conversation could not be sought for until Majocchi had either acknowledged or denied it. And they must have the denial of Majocchi before they attempted to impeach him on that point.

LORD ERSKINE wished their Lordships to be guided as much as possible by the rules of evidence admitted in common law. But if, in a trial like this, where a list of witnesses was refused to the Counsel for her Majesty, they learnt some important facts with which they were unacquainted at the time of the cross-examination, was the truth, then, still to lay undiscovered? Certainly not. Majocchi might be called to confront the witness. He had seen this practice adopted more than once in the Courts below. He as a Peer of that House, would contend that the evidence was admissible.

THE LORD CHANCELLOR would recommend that the subject of discussion should be put in the form of two questions to the Judges; and that they should state their opinion how far it was the practice of the Courts below.

EARL GRAY thought the best course would be, that Majocchi should be called in, and the question put to him, which, if it had been put in cross-examination, would, as admitted by the Counsel for the prosecution, have entitled the Counsel for the Queen to pursue the course of examination they were doing, when interrupted.

LORD ERSKINE said he had never wished the House not to abide

by the opinion of the Judges, but he must still retain his own sentiments on the subject.

The Marquis of LANSDOWN thought the shortest course would be to call in Majocchi and put the question to him.

The LORD CHANCELLOR wished to know from the Counsel on both sides if they had any objection to Majocchi's being called in?

The ATTORNEY-GENERAL said he felt considerable difficulty. Majocchi had been three times cross-examined, and the Learned Counsel had declined any further cross-examination of him.—If this course was to be adopted, it might be applied to every witness.

The LORD CHANCELLOR interrupted the Learned Gentleman, and said, he did not wish him to argue the point, but merely to state whether he agreed to Majocchi being called or not.

The ATTORNEY-GENERAL said, he could not consent to Majocchi being called.

The question was then put to the Judges, who withdrew to consult upon it.

Mr. BROUGHAM suggested, that as Lady CHARLOTTE LINDSAY was in attendance, it would save the time of the House if she was now called in.

Lady CHARLOTTE LINDSAY was then called to the Bar of the House.

The LORD CHANCELLOR.—Lady Charlotte Lindsay, have you searched for the letter? I have. Has your Ladyship found it? No, I have not. Do you believe that the letter is in existence? I believe it is not in existence.

The Earl of DONOUGHMORE enquired what were the terms of the letter?

Mr. BROUGHAM objected to the question.

The LORD CHANCELLOR said he understood her Ladyship to have stated, she left the Princess in consequence of a communication from her brother, and that it was made in writing; he conceived that her Ladyship might be asked as to the general terms of the letter.

The Earl of LAUDERDALE.—Can your Ladyship state the general terms of that letter? I have no distinct recollection of it, farther than a wish that I should resign my situation, and stating some pecuniary arrangements consequent on it. Can your Ladyship say whether your brother gave his advice without assigning any reason for it? I do not recollect that he did; but I have some indistinct idea that the reports already mentioned might have been stated in the letter. To what reports do you allude? The reports, which, in answer to a question from a Noble Lord, I mentioned yesterday—reports of an unpleasant nature which induced me to wish to leave my situation.

LORD ERSKINE.—Does your Ladyship mean those reports which were inconsistent with your own observations?

Question objected to.

JOHN WHITCOMBE was then sworn and examined by Mr. TYNDAL.

What situation in life do you hold? I am valet to the Hon. Kessel Craven. Were you in the service of Mr. Craven when the

Princess of Wales went to Naples? Yes, I was. Do you remember on the first night of your arrival at Naples where Bergami slept? No, I do not. Did the door of Dr. Holland's room open opposite to the door of Bergami's room? No, Bergami's room did not open into that passage. Dumont slept in a room over that of Dr. Holland. Has been in the room frequently, late as early. Dumont generally invited him to go there. Another female servant of the house was sometimes present, but has been alone with Dumont in the room very frequently. On some occasions, when thus alone with her, the door was locked and bolted.

The SOLICITOR-GENERAL here interfered. He said, that the object of this course of examination must be evident to their Lordships, and surely no argument was necessary to shew that it was illegitimate.

MR. DENMAN.—My Lords we will not pursue it.

The Lord CHANCELLOR.—You have pushed it as far as you possibly could—(A laugh.)

Examination resumed.

Recollects the masked ball given at Naples. Part of the servants were dressed in character; Sicard, Bergami and Hieronymus, after the Turkish fashion. Saw Bergami in the latter part of the evening, in his plain clothes. He was walking about the rooms, and at times assisting in handing about refreshments. Was at Naples all the time the Princess was there.—Bergami conducted himself towards the Princess in the same way as the rest of the servants—as they all did.

Cross-examined by the SOLICITOR-GENERAL.

From a long series of questions about the positions of the rooms, it appeared that besides the passage common to the rooms of the Princess, Dr. Holland, Hieronymus, William Austin, and Bergami, there was another parallel passage by which Bergami could go to the room of the Princess, without passing the room doors of Dr. Holland, &c.

The witness being ordered to withdraw,

LORD ERSKINE rose, and requested the attention of their Lordships to that part of Dumont's evidence which related to her sleeping alone at Naples. She had sworn that she had slept alone "every night"—"The whole night"—"Alone"—"All alone;" and that she did not recollect where Mr. Keppel Craven's servant slept on any one night, while at Naples.

The LORD CHANCELLOR observed, the only difficulty, therefore, which remained in the present case, was, to determine whether the questions put to Dumont, as to her sleeping alone, necessarily involved the imputation of an impure connection? If they did, then, in his Lordship's opinion, the question proposed by his Noble and Learned Friend (Lord Erskine) could not be put.

LORD LIVERPOOL said, that it was possible to reconcile the evidence of Dumont and that of Mr. Craven's servant. She had sworn that no one had slept with her. Now that was quite possible, for a

person might have had criminal intercourse with her without having slept with her. (A laugh which continued for some time.)

LORD ERSKINE.—Where did you sleep in the Queen's house at Naples? In the room next to the Hon. Keppel Craven's. Every night you were there? Yes, the three nights. The whole of the nights? Yes, after I went to bed I went to bed at twelve o'clock. And you never went to any other bed from your own during the night? No. After these three nights you went to lodgings? Yes. Did you, ever since you went to your lodgings, sleep in the house you left? I never slept in the Queen's house afterwards. When I first entered the service of Mr Keppel Craven, it was at Brandenburgh-house about six years ago I spoke a little French at the time, as much as to make myself understood. I was at Pessaro fifteen months ago. Bergami and Austin came to the lodgings of Mr. Craven. I shewed Bergami into the room myself. He spoke to me when he was coming up stairs, and pressed my hand. After having gone from the house in which I first was, I frequently have been in Dumont's bed-room; I did not see any body there but Annette, that I recollect. Witness was ordered to withdraw.

The Judges having returned,

The LORD CHIEF JUSTICE rose and stated, that the opinion of him and his Learned Brothers upon the question submitted to them was in the negative. In the Courts below, it would be permitted to the Counsel rather to call back an evidence, and so far break in upon the ordinary rules, than to violate so important a privilege.—(Hear)

After a few words from Lord Holland, the Lord Chancellor, and Lord Liverpool,

MAJOCCHI was called in and examined by Mr. BROUGHAM.

Do you recollect, at the Ruccanelli, have you seen William Carington, the servant of Sir William Gell? *Questo non mi ricordo!* (Laughter above and below the Bar.) Do you recollect having seen Sir William Gell's English servant near Rome any where? "*Questo non mi ricordo!*" (In a low sigh—General laughter in the House.) Do you remember having seen Sir William Gell's servant any where? I have seen him, I think, at Rome, but not at Ruccanelli. Did you ever tell him that Baron Ompteda had employed any one to get the keys of the Princess at Como, in order to get others made? *Questo non.* Did you ever tell that servant any thing to that effect? I never have spoken of this. Did you ever tell him that a person who had been employed for the aforesaid purpose by Ompteda, had confessed to the Police such employment, and been discharged in consequence? I never had any such conversation. Did you ever tell him that if the Princess had not ordered her servants to take no notice of the conduct of Ompteda, you yourself would have killed him like a dog? I never said any such thing; these things are quite new to me. Did you ever speak of the villainy and ingratitude of Ompteda, after having so long eaten and drank in the Princess's house, and complain of his having brought suspicion on the servants? Never. Did you ever talk of Ompteda to the English servant

Sir William Gell, by name? Never. Did you ever hold any conversation with Sir William Gell's servant respecting the conduct of Ompteda? No, I never spoke to him about it.

WILLIAM CARRINGTON called in, and his examination resumed by Dr. LUSHINGTON.

What did Majocchi say to you respecting Ompteda? He told me that Baron Ompteda, while on a visit to the Princess of Wales, had employed the postillion and chambermaid to procure the keys of her Royal Highness's room. Did Majocchi tell you that Ompteda employed persons to get the keys? Yes, to procure the keys of the Princess's room at Como, to get false ones made. Did he tell you that a person in the Princess's family had been so employed and discharged in consequence? He did. Did Majocchi say, if Ompteda had so applied to him, he would have killed him like a dog? Yes, he did. Did he say Ompteda had made the servants suspected? He did. Did he frequently mention the name of Ompteda? He did.

Cross-examined by the ATTORNEY-GENERAL.

I had this conversation with Majocchi in the coach-yard of the Villa Ruccanelli. No other person was present. I came there accidentally, not having any thing particular to do; it was in July, 1817, about an hour before our setting out for Rome; I was at Ruccanelli part of two days and one night; I was at Rome two months. Majocchi went to Rome the same day; when I had the conversation with Majocchi, he was preparing the carriage; several of the Princess's people were about, but I do not know their names. The subject was the talk of the house at the time. Majocchi began the conversation by saying, "Have you heard of the affair of Ompteda?" I said I had heard something about it; he then went over it; he had before mentioned it in the servants hall, when eight or ten of the livery servants were present, but I do not know the names of any except Francisco. I am not very positive that this was in 1817, but I believe it was; when the Princess was at the Villa Grandé, Sir William Gell did not sleep there, but at the hotel de l'Europe, about a mile and an half or two miles distant; Sir William Gell dined with the Princess almost every day, and returned in the evening.

Examination by the PEERS.

Marquis of BUCKINGHAM.—Witness left the King's service in 1811, and entered into that of Sir William Gell immediately after. Understands Italian pretty well; had the conversation with Majocchi in Italian, which witness understood perfectly well; Majocchi said, that the servants of the Princess were determined, if they met Ompteda, to give a good thrashing, and kill him if they could; but that Lieutenant Hownam had forbid them to hurt him; this was all that Majocchi said about killing Ompteda.

A PEER.—Witness went to Italy in 1814; but served four years on board the Boreas, under Sir John Beresford.

By the Earl of LIVERPOOL.—Did Majocchi tell what you have stated about Ompteda publicly in the servants hall? Yes. Can you state who were the servants? I cannot more particularly than I have done. I have seen the servants frequently at Villa Grande. Did you not live with the servants generally, at Villa Grande while Sir W. Gell was there? No, I did not dine with them. Can you repeat, in Italian, the particular words used by Majocchi, in the conversation of which you have spoken? He said, *Lui hanno detto a me vouldes che lui la sciar me fare il mio devore, che lui vorebbe bastonare e mazzare come un cane in mezzo, a la strada.* The interpreter thus translated it, "He wished he had it in his power to do his duty and his pleasure, and he would thrash him in the street, and murder him in the street."

Being examined by the Earl of BUCKINGHAMSHIRE, the witness said—That he had mentioned this matter to Sicard, to a Mr. Whitten, to Sir W. Gell, at Brandenburg House, Mr. Mitchell and others.

By the Duke of CLARENCE.—Did you ever serve in any other of his Majesty's ships? No. Had you any certificate? Yes, Sir John Beresford gave me one, but I have lost it. I was midshipman on board that ship. What countryman are you? I am an Englishman, born in the neighbourhood of Colchester. What reason had you for quitting his Majesty's service? I had no other reason than that it was my request.

JOHN JACOB SICARD was next called and examined by Mr. BROUGHAM.

When did you first enter the service of her Majesty? Next February it will be 21 years. Are you a foreigner? I am a naturalized Englishman. Have you ever been in any other place before you entered the Queen's service? Yes, I was ten years with the Marquis of Stafford. In what capacity did you enter into his Lordship's service? As cook, and in the same capacity I entered that of her Royal Highness. By whom were you placed in her Royal Highness's service? By his present Majesty's orders I was appointed. Afterwards were you appointed to any other place in her Majesty's establishment? In October following I was appointed Maitre d'hotel. Did you always serve in that capacity till you went abroad? Yes. When was that? In August, 1814, we left England. Did you accompany her Majesty to Brunswick? Yes; from thence we went through Switzerland into Italy. Do you recollect her Majesty's having occasion for a courier at Milan? Yes. Did you receive directions respecting the hiring a courier? Yes, Sir William Gell gave the orders. Did you in consequence hire a courier? Yes. Was that Bergami? Yes. Had you any communication with her Royal Highness upon the subject of hiring Bergami? None. Do you recollect whether, soon after that time, she dismissed a courier? Yes, soon after. Do you recollect, on your arrival at Naples, the house in which you were the first night with her Royal Highness? Yes.

Was there a sufficient accommodation for her Royal Highness? Yes. In what room did Bergami, the courier, sleep that night? Where Charles Harford slept, or somewhere thereabouts, over Lady Elizabeth's room. Did he continue to sleep there? I believe he slept there only one or two nights. Did he then remove to another room? Yes. Who appointed that room for him to sleep in? I did. What was that room? A small cabinet. Did you make that arrangement for Bergami's changing his rooms, and sleeping in that cabinet, by the direction of her Royal Highness? No. Had you any communication with any other person? With Hieronymus. Do you recollect the reason by which you were actuated to make this arrangement? There was a glass door which looked into the garden, which I considered not to be safe; and I thought it right that some servant, or some male, should sleep there. During the time that you have lived in her Royal Highness's service, had you ever had occasion to observe the manner in which her Majesty treated her servants? Yes. Her Majesty, you say, frequently spoke to her servants? Yes. Has her Majesty frequently conversed with yourself? Many times. What manner of conversing with, or treating her servants had her Majesty generally? Uncommonly kind, almost to a fault. Was this the manner of her Majesty generally to all her servants, or was it confined to one individual of her household? To all. Have you ever had occasion to walk near her Royal Highness, or with her Royal Highness? Many times, by her commands. Have you ever so walked with her Royal Highness in a garden? Yes, many times; very frequently in the pleasure grounds. Upon these occasions, had her Royal Highness talked with you in walking? Yes, very condescending. Has her Royal Highness ever had occasion to take your arm in these walks? Yes, on steps, on rising ground, and sometimes in the way of conversation, she did me the honour of putting her hand upon my arm, saying, "you understand what I say," or "you agree with me." On such occasions, how long have you had the honour of walking with her Royal Highness? About half an hour; sometimes more. Do you remember a masked ball at Naples, given by her Royal Highness to the Court of Naples? Yes; I had the management of it. Pernelli assisted me. Some of your Lordships know him, Lord Ellenborough, I believe, knows him: Did you, upon that occasion, appear in any particular dress? I did. Did any other members of the household do so? Hieronymus and I went together. How were you both dressed? As Turks. Do you recollect her Royal Highness attending that ball? I do. Did she appear in one or more dresses? I recollect two dresses. What were these dresses? One of them was a peasant's dress, and the other a Turkish dress. Do you now live with her Royal Highness? No, I am allowed a pension of 400*l.* a year. When did you quit her Royal Highness's service? Within the last three or four months.

Cross-examined by the SOLICITOR GENERAL.

After leaving the Princess at Naples, when did you again join her? Not until I went to inform her of the King's death at Leghorn. So

that was the only time you had an opportunity of observing her conduct towards Bergami during her residence at Naples? Exactly. Was it your business to arrange the apartments of her suite? Mostly so. Do you remember stopping at the country-house of Murat the night previous to your arrival at Naples? Yes. Did not William Austin that night sleep in the bed-room of the Princess? That I cannot tell, because I went immediately to Naples, in one of the King's carriages, to prepare a house. Before you left the country-house for Naples, had you arranged the different apartments of the suite? Not in that house, because it was done by the King's Marshals. Had not the apartment of Bergami at Naples a direct communication, by a passage, with that of the Princess? Not exactly so, but through several doors. There was a public passage leading from one to the other. Was there not a small passage parallel to it, leading the whole length? There was. Was it so constructed that a part of the passage might be inclosed so as to form a small cabinet? I cannot answer what might be done.

The attention of the witness was here directed to a plan which he explained to the Solicitor General.

Mr. BROUGHAM—It is very material for your Lordships to know that the witness says there was a door not found in the plan, and the moment he mentioned that, my learned Friend withdrew and abandoned his plan.

The SOLICITOR-GENERAL denied that he had abandoned it.

Was there not a communication along that passage through the door you described to the bed-room of the Princess? Yes. The rooms where Hieronymus, Dr. Holland, and W. Austin slept, communicated with the other wide public passage? They did. And no person slept in the other communication between the rooms of the Princess and Bergami? I understood that when Bergami was ill a servant slept there. What time in the evening did you arrive at Naples? I arrived in the morning, and the Princess in the afternoon. The weather was rainy and windy. Who were the servants that breakfasted together at Naples? In the Stewart's room all the upper servants; Bergami, Dumont, myself, Hieronymus, and Lady Elizabeth's servant. Will you take upon yourself to swear, that Bergami breakfasted in that room at Naples? Mostly with us; he was very fond of meat, and used to go down into the office and get it, as he did not like tea—this is customary with the Italians. At the ball at Naples you closed it with your Turkish dress? I closed the ball! (*with surprise.*) I mean the ball was closed. You described two dresses worn by the Princess; was not the Turkish dress the last? I do not know; I saw two; but I had but one dress? I should think the Turkish dress the last. What was Bergami's duty at Naples? He rode as courier to Naples, and afterwards waited as page, handing breakfast up, and waiting at table. He shared this duty with Hieronymus. When you talked of the Princess taking your arm, was it when any impediment—steps, or any thing of that kind, occurred? or for engaging your conversation? Yes. You do not mean to say or insinuate that there was

any thing than that? No; God forbid. When was the pension granted to you? It is no pension, but a continuance of my salary; I had 300*l.* a year at first, afterwards another 100*l.* a year for acting for Mr. Cooper as *homme d'affaires*. When was that? About three or four years ago. Have you been on the Continent to bring witnesses? I took a letter to Carlsruhe, but I brought no witnesses.

On his re-examination by Mr. BROUHAM, he said, that in the smaller passage between the two rooms there was a water closet. The letter he took to Carlsruhe was directed to the Great Chamberlain, and was sealed by the Queen.

Examined by the PEERS.

In answer to questions by Lord ELLENBOROUGH, he said that the Marquis Gigliorsi had recommended Bergami, he had not inquired his character, though it was his business to hire and examine into servants.

Did Bergami seem superior to the situation for which he was hired? I believe he was not quite so chatty as Italians are; and I believe he behaved very properly; but I never was acquainted with couriers in general. But did not his manner appear superior to his situation? Not particularly so; he was very civil and obliging. You did not consider him too much of a gentleman to act as courier? He never shewed himself that way: but did every thing he was told. He might be rather more of a gentleman than of the lower sort.

The witness added that William Austin usually slept in the Queen's room till they arrived at Naples, when an alteration took place. No other members of the Bergami family were hired at Naples. When the witness left Naples, Bergami continued as page, valet de chambre and courier.

By Lord DONOUGHMORE.—You have mentioned, and I am sure very truly mentioned, the great condescension of the Princess to all her servants. You were 21 years with her, and during that period did her condescension ever go to the length of admitting any of her servants to her table? Not to my knowledge.

The witness was then examined by Lord KINOSTON, as to whether Bergami had lived with Mr. Grattan, but he could not answer the question. The breakfast hour of the servants was 10 o'clock, but the Princess did not breakfast till 11, 12, or 1. He was sent to Leghorn, not by the Government, with the news of the King's death, but by the King's legal advisers.

Did you see, according to your opinion, any improper familiarity between the Princess and Bergami? Never, never—I am positive of it.

By Lord LANSDOWNE.—Whether to your knowledge at Naples, the Princess ever breakfasted with Bergami? Never, to my knowledge. Is it probable that such a circumstance would have occurred without your knowing it? It might have been, but I do not believe it. Did you ever know any person who eat and drank in the

Steward's room permitted to come to the Queen's table? Not to my recollection.

By Lord ENNISKILLEN.—On the second night of the Princess's coming to Naples she went to the theatre. At what hour did she come home? I do not know; it was not my business to wait. You said that you hired Bergami: what wages did you agree to give him? At first 40 Louis, and at Naples it was raised to 70.

How was he dressed when you first saw him? In a scarlet waistcoat laced with gold, and a blue surtout coat. Did you enquire whether he was married or unmarried? I did not.

The witness proceeded to state, that he was left at Naples by order of the Queen, who did not then want his further services, and came to England, where he remained for three years, prepared to rejoin her at a moment's notice.

Lord HARROWBY put several questions, with a view to ascertain more precisely the relative situation of the apartments of Bergami and the Princess; but the only new point ascertained was, that they were forty or fifty yards distant. His Lordship lamented the absence of an accurate plan.

By Lord ROSLYN. Were there not two ways by which a person could go from Bergami's room to that of the Princess, by a public passage, and by a smaller passage? Yes.

By the Marquis of BUCKINGHAM.—If a person had gone to Bergami's room by the public passage, must he not have passed by the rooms of Dr. Holland and others? Yes. But if a person had gone to Bergami's room by the private passage, would he not have arrived there without passing by the door of any room where any other person slept? Yes.

In reply to several questions by Lord CALTHORPE, the witness said, that he had but few opportunities of knowing the manners of courtiers, but he thought those of Bergami superior to the manners of other servants. He did not recollect the names of any persons in the Princess's service when he arrived at Leghorn.

(At the suggestion of Mr. BROUGHMAN.) Were there any rooms in the public passage between the rooms of Bergami and the Princess? Yes, two. Have you not observed in 21 years' service whether her Royal Highness was not particularly fond of young children? Yes. Did she not take extremely great fancies to young children?

The SOLICITOR-GENERAL objected to this question, and the LORD CHANCELLOR observed that he could hardly tell what he meant by fancies.

Mr. BROUGHAM did not persist, and the witness was ordered to withdraw.

Adjourned at a quarter past four.

TWENTY-SEVENTH DAY.—October 9.
TWELFTH WITNESS.**Dr. HENRY HOLLAND, examined by Mr. BROUGHAM.**

Did you leave England as Physician to her Royal Highness the Princess of Wales, in 1814? I did. Did you go to Naples with her Royal Highness? I did. Did you remain at Naples the whole period with her Royal Highness? I did. What description of persons did her Royal Highness receive as visitors at Naples? The principal English and Neapolitan nobility. Where did you go to after you left Naples? To Rome, and subsequently to Genoa. Were you on board the ship *Clorinde*, with her Royal Highness? Yes, I was. What description of persons did her Royal Highness receive at Genoa? The chief of the English families. Did you ever know her Royal Highness to object to receive the English at Genoa, or endeavour to avoid them? Never. What was the situation of the house occupied at Genoa by her Royal Highness, as to its publicity? It was half a mile from Genoa, in the suburbs, which were populous in the summer season. Did you know Bergami? I did. Did he dine at her Royal Highness's table at Genoa? No. What was the conduct which her Royal Highness observed towards Bergami during the time you have had an opportunity of witnessing it? Always that of a mistress towards a servant. What was the general conduct of Bergami towards her Royal Highness? Always respectful and proper. Was there any arrangement as to the time you were to stay with her Royal Highness before you left England? About one and a half, or two years or so; it was agreed before I left England. Had you any conversation on the subject with her Royal Highness before you arrived at Venice? Yes, at Milan; her Royal Highness there said, that I might be absent six weeks if I chose to make a tour in Switzerland; but I told her Royal Highness that I was anxious to go to England upon some private business of my own, and would feel obliged by her extending my leave of absence for that purpose, to which her Royal Highness consented. Was it then understood that you were to return? Yes, it was. Did you leave any articles belonging to you in the house of her Royal Highness, under the expectation of your returning there? Yes, I did. Who were the persons who usually visited her Royal Highness at Genoa? Lord W. Bentinck, Lord and Lady Glenbervie, Lord Malpas, and many others.

Cross-examined by the SOLICITOR-GENERAL.

Do you remember Bergami meeting with an accident at Genoa? No, not at Genoa; but at Naples. Who was the servant who attended Bergami on that occasion? Majocchi. Did he not sleep in a small cabinet? I do not know. Do you know whether there was a sofa in the cabinet where Majocchi slept? I do not know; I have no recollection of it. Was not her Royal Highness's house at Genoa surrounded by a garden? There was a garden in front, and a

terrace and wood at the back. Did you dine with her Royal Highness at Genoa and Naples every day? At Genoa, but not at Naples. Were you at a masked ball at Naples with her Royal Highness? No. Were you not at the theatre San Carlos, at Naples, with her Royal Highness? I was there; but, until the following day, I was not aware that her Royal Highness was there. Then you do not know with whom her Royal Highness went to the theatre San Carlos? I do not. You have said, that the conduct of her Royal Highness towards Bergami was, as far as you have observed, the conduct of a mistress towards a servant. Have you ever stated to any one, that you have witnessed any improper conduct of her Royal Highness towards Bergami? I never observed improper conduct, and I am satisfied that I never said any such thing. Do you know a minister at York? Yes, I do. I ask you, Dr. Holland, whether you have observed to any individual that her Royal Highness's conduct towards Bergami was improper, so that no person valuing his character could remain in her service? No, never. Did you ever mention to any one that, from your own observation, the conduct of her Royal Highness was improper, and highly derogatory to her dignity? Never, I can swear it positively. During your travels, did you ever alter your opinion of her Royal Highness upon any occasion; did you never change your opinion of her? It is impossible for me to say what may have been my fluctuations of opinion upon any person; but I can say, most positively, that I have never had the least occasion to alter my good opinion of her Royal Highness. Did your duty require you to be much about the person of her Royal Highness? No, very little. You were engaged then in your own studies chiefly? So far as they did not interfere with my engagements with her Royal Highness. You have said you did not dine with her Royal Highness at Naples? I said not always, but I always did dine with her Royal Highness at Genoa. You attended her Royal Highness only in the evening, at her evening parties? Yes. Bergami acted as waiter on those occasions, did he not?—Yes, he did. Do you recollect during the period of her Royal Highness's residence at Genoa, any persons belonging to the family of Bergami joining her Royal Highness's suite? Yes, I do. Do you remember Festina the sister of Bergami joining? I do not. Did a child join her Royal Highness? Yes. Did a female come with the child? Yes, an elderly female, who, I believe, was the mother of Bergami. Is that the only person you recollect at Genoa? Yes. Do you recollect a person named Louis Bergami joining her Royal Highness? Yes. Did he wait at table? Yes. Did he wear a livery? He did. At what time did Louis Bergami join her Royal Highness? Towards the beginning of the residence of her Royal Highness at Genoa. How long did Lady C. Campbell remain with her Royal Highness at Milan? A few days. Was there any English female then in her Royal Highness's suite? No. How long afterwards did the Countess Oldi join her Royal Highness at Milan? A few days. Did you travel in the carriage of her Royal Highness from Naples to Milan? No. Did you know that the Countess of Oldi was the

sister of Bergami, when she entered her Royal Highness's service? No. When did you know that she was his sister? Not during the time that I was in attendance upon her Royal Highness. How long was that? Some months. Did her Royal Highness leave the hotel at Venice, and go to a private house? Yes, she did. Did you dine with her Royal Highness there, or at the hotel? With her Royal Highness. Every day? I believe every day. Did her Royal Highness quit Venice before you? I went first.

Re-examined by Mr. WYLD.

You have been asked if the House of her Royal Highness at Genoa had a garden; was it a private or a conspicuous situation? Conspicuous; it was upon a terrace. Was it conveniently situated to receive visitors from Genoa. Yes. Have you ever been in England ever since you left her Royal Highness? I have chiefly resided in England, but have been absent during several short intervals. Have you ever practised in London within the last five years? Yes. Have you ever been examined by any one, as to your knowledge of her Majesty's conduct since you left her service? Never. By no one? By no one. Did any one ever apply to you to be examined? Never.

LORD ERSKINE.—During the time you were in her Royal Highness's suite, did you observe the least improper familiarity between her and Bergami, or any thing that was at all derogatory to her Royal Highness's character? I never did.

LORD GRAY.—Did you ever observe at any time, any conduct of her Royal Highness, that was calculated to bring disgrace upon the country? I never did. You said you never had been examined upon the subject of her Majesty's conduct since your arrival in England. Was any application made to you relating to her Majesty's conduct while you were in her service? Never.

LORD LAUDERDALE.—What rooms did you pass through on going into Bergami's room? Through a corridor, a room, and a cabinet, into his apartment. Do you know what dress Bergami wore when he waited at table? No, I do not recollect. Do you know where Majocchi slept? I do not. Adjacent to your room at Naples did not Hieronymus sleep? Yes. And next to Hieronymus's room did not Austin sleep? Yes. Before you arrived at Bergami's room was there not a door that led into the dining room? No, there was only one door into the dining room.

LORD WINCHELSEA.—Did you ever see Bergami after he was raised to the rank of Chamberlain? No, I did not.

LORD LAUDERDALE.—Do you know if there was a cabinet joining Bergami's room? There was a small room next to it, that may be called a cabinet or not. Do you know any thing relative to the Princess, of your own knowledge in the last six years? Not since I left her service, which was five years in June last. Did the Princess introduce the Countess Oldi to you? I believe she did, as the Countess of Oldi.

LORD ROSSEBARY.—Do you recollect her Royal Highness going

into Bergami's bed-room while you attended on him at Naples? I never saw her there. Did you attend upon any other servant of her Royal Highness's at Naples? Yes, her Chamberlain. Was there a garden attached to the Queen's house at Naples? Yes. Did you ever see the Princess and Bergami walk there? Never. Did you ever see the Princess and Bergami walk together in the garden at Genoa? Never. Did her Royal Highness ride on a donkey in the garden attended by Bergami? I never saw it.

LORD LIVERPOOL.—Did the Princess introduce the Countess Oldi to you as the sister of Bergami, while you were with her? No, she did not.

LORD DRYDEN.—Did you ever hear the Princess and the Countess talk in French? No. Did you dine every day with her Royal Highness at Genoa? Nearly every day. Did Bergami dine at all at Genoa with her Royal Highness? No.

LORD HARTOWBY.—What kind of Italian did the Countess Oldi speak? It had a Lombardy accent. No persons of rank and education speak in the dialect of Lombardy? I have heard very respectable persons speak with that dialect.

LORD CHANCELLOR.—Did Bergami ever dine at the Queen's table when you dined there? Never.

LORD CALTHORPE.—Did her Majesty ever complain of the situation of her house at Genoa? Never, to my recollection. Did she say to you that the situation of the house caused her to be annoyed with visitors? No; but she said she wanted a place of greater solitude and retirement. Did Bergami act as a menial servant at Genoa? Yes, he did. Did her Royal Highness ever act towards Bergami inconsistently with the character of the Princess of Wales towards a menial servant? No; her Royal Highness is exceedingly affable to all her servants; she acted towards him as her other head servants. Then that affability may account, in some measure, for the conduct of her Royal Highness towards Bergami? Her Royal Highness was equally affable to all her servants. Did you consider Bergami as an upper servant in the Queen's suite? Yes.

THIRTEENTH WITNESS.

CHARLES MILLS, Esq. examined by Mr. DENMAN.

You generally reside at Rome? Yes. Did you reside there in the summer of 1814? Yes. Had you then the honour of visiting the Princess of Wales? I called on her the day after her arrival. How long did she remain at Rome? I remember only twelve days; I left before her Royal Highness. Had you the honour of the acquaintance of her Royal Highness when you were at Rome? Yes. Did you dine with her at Rome? Yes, at the Grand Hotel del Europe. Did you dine every day with her? Yes. Were there persons of rank dining with her at that period? Yes. Who were they? They were but few; the Baroness Adraina, and the Duchess of Zakaroni. Was she attended by a guard of honour? Yes; and she had other marks of distinction prepared for her, and a box, to witness the public ceremonies. Do you know any other persons?—

Lord Whitworth dined with her, and the Abbe Taylor was her constant guest. Did any of the Cardinals dine with her? I do not recollect. Was Bergami at that time her Royal Highness's Chamberlain? He was. Did he, in that character dine at her Royal Highness's table? Yes. Have you often seen her Royal Highness and Bergami together? frequently. Did you ever observe the least impropriety in the conduct of her Royal Highness and Bergami?—Never. Does that answer apply to other times, that you might have seen her Royal Highness? Yes. Were you at Pesaro? On my return, in 1819, to England, I called; I remained there two days. Her Royal Highness, on my arrival, was out, taking an airing, and she sent her carriage for me to come and dine and sup with her. Did you pay your respects to her on the following day? Her Royal Highness sent her carriage and equerry to shew me what was worth seeing at Pesaro. Did you afterwards dine with her Royal Highness? Yes. Had you the honour of paying your respects to her Majesty after she had assumed the title of Queen of England? Yes, at Rome.—When? In February, 1820. Was she attended by her ladies of honour? No. Was she attended by a guard of honour? No. Was she waited upon by persons of rank? I saw none. Do you know whether the funeral of his Majesty had taken place? I think it had. Was Bergami chamberlain to her Majesty in 1819 and 1820? Yes, I believe he was. Was there any difference in her Majesty's suite, at Rome on those two occasions that you saw her Royal Highness?—None. Was there any thing in the conduct of her Royal Highness towards Bergami, that could at all bring disgrace upon this country, or that could wound the moral feelings of this nation? Not at all. Independent of that did you ever observe any conduct of her Majesty that was derogatory to her character, either in public or in private, to which a just exception could be taken? Never. When you saw her Royal Highness and Bergami together, did Bergami behave with the respect due to her exalted rank? Yes, Always.

Cross-examined by the ATTORNEY GENERAL.

Did Bergami dine with her Royal Highness at Rome? He did. Where did he sit? In no particular place; I have seen him at different parts of the table. Have you seen her Royal Highness and Bergami at other places in Rome? I have seen Bergami in attendance upon her Royal Highness at other places at Rome; at the Corpus Domini and elsewhere. How did he attend her; in what capacity? As a Chamberlain. Where was her Royal Highness at the Corpus Domini? In a box. Where was Bergami? Behind her Royal Highness. Standing or sitting? When I saw him he was standing. Were any other of the suite there? Several. How many times did you dine with her Royal Highness at Rome? Upon the first occasion three or four times. Do you recollect the names of the persons who called upon her Royal Highness? Many Cardinals and ladies of distinction; the Cardinal Gonsalvi was one. I usually left after dinner, and the company came in the evening. Were you there in the evening? Once or twice. Her Majesty had no established house

at Rome at that time. Do you speak from your own knowledge as to those who visited? From my own knowledge on the evenings I was there. In the year 1819, you quitted her Royal Highness at Ferrara; who was the equerry who called upon you with Mr. Austin? The Chevalier Vassalli? Were those the only occasions on which you saw her Royal Highness? Yes, they were.

Re-examined.

Did you know her Royal Highness before she left England? Yes, I had that honour.

By a PEER.—Did you feel any objection to sit down at table with Bergami? No.

When did you leave Rome? In April last. You did not leave Rome in consequence of hearing that proceedings were contemplated against the Queen? No. Did Bergami sup with you and her Royal Highness? Yes. And dined with you on the following day? Yes. Who dined with her Royal Highness at Pesaro? Vassalli, Bergami, Countess Oldi, William Austin, and two other persons who were at table I did not know. Was Lewis Bergami there? I cannot say; am not sure that I know his person.

Lord LIVERPOOL.—Did you see any English ladies at Rome with her Royal Highness, when you left? There were few English ladies at Rome at that time.

Lord FALMOUTH.—When you dined with the Countess Oldi were you introduced to her? Yes, the first time. What were her manners? Unobtrusive and natural, and the manners of an Italian lady.

Lord LIVERPOOL.—When were you introduced to Countess Oldi? In 1817, when her Majesty arrived at Rome.

Earl GREY.—How long have you been in England? I arrived in May. Has any application been made to you for information respecting the conduct of the Queen in Italy? Never.

FOURTEENTH WITNESS.

JOSEPH TIEULLIE, (*a Frenchman*), examined by Mr. DENMAN.

You were a Colonel on the Staff, formerly in the service of the Viceroy of Italy? Yes. And afterwards upon the Staff of France? Yes. Are you a Chevalier of the orders of the Iron Crown and Legion of Honour? Yes. Had you a brother a General of Division? Yes. Do you know Bergami? Yes. Where did you first know him? He was *Marechal de Logi* (Quarter-master) in the 1st regiment of Italian hussars. In what year was that? At the end of 1800 and the beginning of 1801, and the 8th year of the French Republic. Was your brother the General who commanded Bergami at that time? He commanded a brigade of cavalry (two regiments), and the 1st of hussars was one of them. Were you Aide-de-Camp to your brother? Yes, I was Aide-de-Camp to my brother, General Tieullie. What was the conduct of Bergami at that time? The conduct of a good sub-officer and a good soldier, who never had any thing to reproach himself with. Did Bergami come from the same country? Yes, they are countrymen. When did you see Bergami the second time? On the frontiers of Spain, in the year 1808.

and 1809, at the time when Marshal Suchet commanded a division of the French army, which proceeded to Spain. In whose service was Bergami at that time? He was in the service of General Pino. In what manner was Bergami treated by General Pino? With a great deal of confidence, because he was a person who had the General's own confidence. Did you visit General Pino? I visited General Pino when business of the service required it. In what estimation was Bergami held by General Pino and the officers, and how was he treated by them? He was received with the greatest confidence, as a man who enjoyed the whole confidence of a person in the situation of General Pino. In what esteem was he held by the officers? He was very well received as a faithful and honest man.

Cross-examined by Mr. PARKE.

Did you know Bergami when he was in the prison at Lodi? I never heard any thing of it. Was Bergami a servant in General Pino's family? He was a confidential courier of General Pino, and entrusted with his affairs. Did you see any thing of Bergami between 1800 and 1808 or 9? No. How long had you an opportunity of seeing Bergami in General Pino's service? As a division does not always remain together, but are detached; I cannot say how long he remained where I was. Were you ever in England before? Never. Have you remained in England ever since you came? I remained in England 21 days. Where did you go afterwards? To Paris, to my house, where I am established. Who applied to you to come here? The Queen, by a letter of her's.

What was the different degrees in the service in which Bergami was? The lowest degree is hussar, the next is brigadier, and then quarter-master, and then marshal de logis. What rank is Marshal de logis? It corresponds with that of serjeant in the English service. What is the particular distinction between a courier and a domestic? A courier is one employed to travel alone; and has the confidence of his employer. Did General Pino treat Bergami with great confidence? He was courier *particuliere* to General Pino. I cannot say further, I did not meddle with his private concerns.

Mr. WILLIAMS declined re-examining the witness.

FIFTEENTH WITNESS.

CARLO FORTI sworn by the Marquis SPINETTI, and examined by Mr. BROUGHAM.

Were you a courier in the service of her Majesty? I was. When did you enter? On her departure from Milan. Was that in 1817? Yes. In whose service were you in Italy before? In the service of the Viceroy of Italy. In what situation? As the chief courier of the Cabinet. Where was her Royal Highness going to from Milan, when you entered her service? To Rome. On the journey from Milan to Rome, in what carriage did the Princess travel? In a small English landaulet. How many other carriages had she? Two others. What sort of carriages were they? One was a bastadello

and the other a carrastelli. What sort of carriages are these? One is a carriage covered, with four seats inside. Was the landaulet you have spoken of an English carriage? Yes. Was it different from the bastadello? Yes, it was. Of a different appearance? Yes, quite so. Was it different from the carrastelli? Yes. Had the Princess more than these three carriages? No, only these three. Which did she travel in? The landaulet. Had the landaulet glasses, as is usual in such carriages? Yes. Had it wooden blinds? Yes. Had it any curtains? Yes. What sort? Silk. Do you mean silk curtains which drew aside, or drew up and down with a spring? The curtains pulled down by rings. Do you remember her Royal Highness leaving Rome to go to Senegalia? I do. Did she travel by night or by day? By night. Where did she sleep the first time on the road? At Otricoli. Where did she rest the second day? At Senegalia. At what time did she arrive at Senegalia? At eleven o'clock the second day after she left Rome. Do you know Sacchi? Yes. Did he accompany her Royal Highness on that journey? He did. How did he travel on that journey? From Milan to Ancona on horseback, and from Ancona to Loretto; and I mounted a horse at Loretto, and travelled with the Princess to Rome. Sacchi proceeded in a carrastelli from Loretto to Rome. Sacchi travelled before the Princess, in the carrastelli. How long did Sacchi go before her Royal Highness? Two hours. What business had Sacchi to do when he set out before her Royal Highness? To order horses and to pay for horses. Did you accompany the carriage of the Princess on horseback? Yes. When you came near any stage did you go before the Princess's carriage? Yes, about half a mile before it reached the end of the stage. Did you, except for that half mile, always travel close to the Princess's carriage? I did. Did Sacchi go before the Princess's carriage to procure horses during the journey from Rome to Senegalia, going before her Royal Highness all the way? He did. Did any other person travel as a courier on that journey with the Princess? No one. If there had been any one must you have seen him? Certainly, because I was always there. Who was in the landaulet with her Royal Highness? Countess Oldi, Bergami, and Victorine. In whose lap did Victorine sit? Sometimes in her Royal Highness's lap. Did you see the child or the Countess Oldi sit? Yes, sometimes. Describe how they sat? The Princess on the right, the Baron (Bergami) on the left, and the Countess in the middle. Do you recollect that the Countess of Oldi was ill during that journey? Yes, at Lauretto, and she went in the place of Dumont in another carriage. Who took the Countess Oldi's place in the Princess's carriage? Dumont. Was this journey from Lauretto to Rome, or from Rome to Senegalia? From Lauretto to Rome. After leaving Rome, was the Countess Oldi always in the carriage, between the Princess and Bergami? Yes, she was. Did you see her in the morning always in that situation? Yes, morning as well as evening, for I always was there. Was it your practice on a journey to go up to the carriage to speak to her Royal Highness, or was it the business of any other

courier? When they arrived at the end of the stage, I knocked at the door of the carriage and asked if they wanted any thing. In what way, on travel, were the windows of the carriage of the Princess? There were the glasses and by night the blinds were put up. Could any air then enter the Venetian blinds? There was the air that came in by means of the spring opening. Did you ever see the Baron kiss the Princess on taking leave? Never. What did he do on taking leave? He kissed her hand with great respect. Did you do so on taking leave? Yes. Did the other persons belonging to her Royal Highness's suite? Yes, the equerries and gentlemen, and others who came to visit her Royal Highness. Were you in the habit of kissing the hands of those persons whom you formerly lived with as courier? Yes, I have kissed the hand of the Vice-Queen and Josephine.

Lord ERSKINE.—During the whole time that you have been in the service of her Royal Highness, did you observe in her conduct towards Bergami or any one else, any thing immodest or indecent? No, never. Bergami always spoke of her Royal Highness with much respect.

SIXTEENTH WITNESS.

Lieut. JOHN FLINN, *examined by Mr. DENMAN.*

Are you now a Lieutenant in his Majesty's Navy? I am. Did you see her Royal Highness in November, 1815? I did. Did you take any command on board a vessel at that time? I did. What was that vessel? A gun-boat. Did her Royal Highness make any application to you with respect to any voyage? She did. What was that voyage? To proceed with her to Constantinople, and to other places. Was a polacca hired for the purpose? Yes. Who had the command of that polacca? Her Majesty gave me the command of her. Did you continue in that command during the whole time her Royal Highness was on board? Most assuredly. Who fitted up the cabins in the polacca? I did. Did you fit them up under the direction of her Royal Highness, or according to your own discretion? According to the direction of her Royal Highness, and at her expense.—The witness proceeded to state, that a surgeon came on board at Tunis, who was since dead. When he was taken on board, it became necessary to make alterations in the sleeping places, and that Bergami's apartment was changed from the aft cabin on the right hand of the ship into the dining-room. As you are acquainted with the position of the sleeping-rooms of Bergami and the Princess, I would ask whether in any situation the beds of these two individuals were at any time so placed, that it was possible for them from these beds to see one another? I say no. Was it your duty to attend her Royal Highness, and to see what the arrangement of her apartment was? I have sometimes been called by her Majesty to see how the weather was. She called me from her cabin—When in the tent she has sometimes called me. The witness farther stated, that Gargiulo was Master of the vessel, but witness received all the orders from her Majesty, and he was acting

.....
Captain. The duty of Gargiulo did not call him to attend about her Royal Highness's room.

The LORD CHANCELLOR asked what was the duty of Gargiulo? It was to attend to the men. That duty did not at all times call the man to that part of the ship where her Majesty was. It was not his duty to attend at all upon her Majesty. It was not his habit to come into her Royal Highness's room. He might have done it, but I never saw him there. He could not without receiving orders from me. The witness next stated, in answer to various questions put to him, that the tent was raised upon the deck, and that the place of the steersman was three or four feet from it, both during night and day. He sometimes was called to that situation himself. On his return from Jaffa he slept on deck, over the helm, five feet or less from the tent. Speaking generally, he conceived it was possible to hear from that place what passed in the tent. He did not, however, in fact, hear any conversation, although he was near enough to hear it. The tent did not occupy the whole of the deck, but there was a passage on one side, and the crew were in the habit of passing through it. At first there was a light in the tent at night, but it was afterwards taken away for the preservation of all on board from the pirates in the Archipelago. Was there a communication between the interior of the tent and the cabin below? Yes, a ladder went down; at night it was shut but the passage was kept clear. Was the tub in which the Princess bathed placed in the cabin where she slept? No, it was too large to be put in the cabin. In the course of the night has the Princess ever spoken to you from the tent? In manœuvring the ship at night I have sometimes disturbed the Princess's repose, and she then called to me. When you answered that call did you open the tent? Sometimes; when I could not distinctly hear all the Princess had to say, I was obliged to open it. Do you know where Bergami slept on board? On returning from Jaffa I do not know where he slept. Where did he sleep on the other voyage? In going out, in the dining-room. Do you recollect the position of the Princess's cabin with respect to that of Countess Oldi? The cabin was divided into two divisions, and that of the Princess was much larger than that of Countess Oldi. Was there any communication between them? There was a door and two sky-lights, two openings on deck. Was there any gun on deck? Yes. Did you ever see the Princess sitting on that gun with any person? No. Did you ever see her sitting on the lap of any person on board that vessel? No. Did you ever see her with her arms round the neck of any person? No. Or kissing any person except perhaps the child Victorine? No. During the whole time you have had the management of this vessel, and the Princess was on board, did you see the slightest impropriety or indecency in her behaviour towards Bergami, or any other person? No. Do you remember Bergami going to land at Terracina? Very well. Describe what was done when he took leave of the Princess? He kissed the Princess's hand on leaving the ship, which was done by all persons taking leave. How long have you been in the Navy? Sixteen years. You wear some Orders, what are they? The Orders of Merit and Fidelity of

the King of Naples. When did you get them? On taking several privateers while serving in the Neapolitan Navy. Have you the King of England's permission to wear them? I have for a third Order.

Cross-examined by the SOLICITOR-GENERAL.

How long were you on your voyage from Tunis to Jaffa; I am not asking to a day or two, or even to a week? I do not know the exact dates, unless I look at my memoir—from two to three months. As nearly as you can recollect, how long were you on the voyage from Jaffa to Syracuse? Nearly a month, it might be more. Will you take upon yourself to swear you were not two months? The witness here referred to certain memorandums, which he stated he had copied from the originals in Sicily. Look at your memorandum and tell me how long you were on the voyage from Jaffa to Syracuse? We sailed from Jaffa on the 18th July, and arrived at Syracuse on 20th of August. On the voyage from Tunis to Jaffa, where did Bergami sleep? In the dining-room. What! every night? To the best of my recollection. How do you know that? Because I had frequent occasions to go to her Majesty in the morning to pay my respects, and I saw him in bed. Were those the only occasions when you saw him in bed in the dining-room? The only occasions. When you went to pay your respects to her Majesty, where was she? In her own room. What! in her sleeping cabin? Yes. Dressed or not? Dressed. In bed? On the sofa. And Bergami on those occasions was in bed in the dining room? He was. How many times a week might you have seen him on an average? I never particularized, but sometimes when I have gone in he has said "good morning." What kind of bedstead was it? I believe an iron bedstead. Was it fixed? It was lashed to the side of the vessel. Do you mean to swear that from that bed, the bed of the Princess, when the door was open, might not be seen? I should think not. Did you ever stand in such a position as to see? No. Was it your duty to attend upon the Princess? It was not, but when called for I frequently went. You had no other business in the dining cabin at night? I did not go, not being sent for. Neither on the outward or homeward voyage? On the homeward I have. At night? Never without being called for by some of the servants. Did that happen frequently? Not very frequently. Two three, or ten times? I cannot positively recollect the number of times. Now in this tent on deck there was a bed, was there not also a sofa? There was a sofa and a bed. Whose bed? I believe Mr. Austin's. Who slept in it? I do not know. Do you mean to swear that you do not know that the Princess slept in that bed? She slept on the sofa. Near that bed? Not very near, three or four yards off. Was there more than a yard between the nearest point of both? Most assuredly, more than two yards. How do you know that the Princess slept on the sofa? Because I had occasion to see when I went in one night. Who slept in the bed? I do not know. For what purpose was it put there? I have seen it used for the purpose of sitting on in the day time. Did you never see Bergami in that bed? I never saw him in that bed; I have seen him upon it in

the day time. Do you mean to swear that you never saw him lie upon it in the day time? I do. Had you ever any curiosity to enquire where Bergami slept in the whole voyage from Jaffa to Syracuse? No, I had other duties to attend to; such as navigating the ship—to attend her Majesty. Have you any doubt that Bergami slept in that bed under the tent, during that voyage, and the whole of it? I cannot say where he slept; I never went to him to inquire where he was, or what he did; I can only repeat that I never saw him in bed there. What is your reason for believing that he did not sleep in the tent? Because when I went to see her Majesty, I did not see any one there. Was it light or dark? Dark—(some laughter.) What countryman are you.—I was born in England, but am partly an Irishman. Attend to the oath you have taken, and answer me, whether when the Princess called you, and the light from the binnacle enabled you to see, you will swear that Bergami was not on the bed? I do swear it. During the whole month of the voyage from Jaffa to Syracuse, you mean to swear that you never saw Bergami in bed any where? I do; I never saw him lying down.

After a single other question, relative to the difficulty of hearing when the Princess called the witness. Earl GREY proposed an adjournment, as it was now a quarter past four, and the cross-examination did not appear to be drawing to a close.

The house adjourned accordingly.

TWENTY-EIGHTH DAY.—OCTOBER 10.

Lord MELVILLE said, some important information had come to his knowledge respecting a witness who was examined at their Lordships' bar on Saturday last; the name of the witness was Carrington, and he should now merely move that he should be called to appear at the bar of the House this day, to answer such questions as should be propounded to him.—Agreed to.

Cross-examination of Lieutenant FLINN, resumed by the Solicitor-General.

What time did you arrive at Athens? On the 8th of May, I believe. Did you touch at Athens on the homeward voyage? No. You mentioned yesterday a copy of a memorandum you made; when did you make that copy? Three months ago. When were you in England? In 1817. Were you in England since 1817, before you made those copies? No. In what vessel did you make the copies; in an English or a foreign vessel? In an English vessel. What was the name of the vessel? The Lion. Had you been on shore a short time before you wrote those copies? Yes. Where was it? At Catania, and other places of Sicily. Deliver up those copies.

(Witness gave them to the Solicitor-General.)

Who commanded the polacca? Her Royal Highness gave the

command of the vessel to me. Do you mean to say that the captain did not navigate the ship? I was the person who gave the orders to the captain. Did not Garguilo, the master of the ship, generally give the orders to the crew? Occasionally I did, and sometimes he did. Did not he chiefly give the orders? We have both given orders frequently together. Did he mostly give the orders to the crew? He gave the orders more frequently than myself. You spoke yesterday of copies or extracts of a log taken during the voyage from Syracuse? I did. Was that log written by you? By my clerk. Was it written in Italian or in English? In both. Did you generally, I say, write in Italian or English? Generally English. Was the clerk you speak of, an Italian or an Englishman? An Italian. Did he keep the log? He wrote part, and I wrote part. Was the log kept in Italian? Yes. Was the clerk you spoke of your servant? He was the clerk. I ask you if the log from which you wrote the copies or extracts were written in English or Italian? In both. Did you not say that it was written in Italian? I did. You said Pasciulli was not a servant, and then that he was a servant; which of the two stories would you have us believe? He acted both as clerk and as a servant. He made my bed, and did the little services that were necessary; but he was considered as a sailor, and wrote for me occasionally. Then he acted as your servant? Yes, as a sailor and as a servant on board the ship; he was one of the crew. Which of you two kept the largest proportion of the log book? I think I did, but I will not swear, as my recollection is not sufficient without having the paper before my eyes. Then the most of it kept by you was in English? There was some in Italian and some in English. Did you not say that part which was kept by you was in English. And the part kept by you was sometimes in English and sometimes in Italian? Yes. Was the greater portion in English or Italian? I cannot say. Was there much kept in English? I think there was, but I am not certain; perhaps there might be about the same proportion of English as Italian. Look at that paper (showing a paper) does that commence with your departure from Messina? This commences with the day her Majesty arrived at Messina. When you set out from Messina? The 6th of January.

Mr. BROUGHTON said the witness ought to hold the memorandum himself, and the Solicitor General should not hold it.

The SOLICITOR-GENERAL replied.

The LORD CHANCELLOR said the paper ought to be in the sight of Counsel and witness.

Is there a single entry in the English language in that paper? No, there is not. Does it come down to the return to Messina? Yes. And all in Italian? Yes. Were you on board the *Clorinde*? Yes. Whose hand-writing is it? That of the clerk. The clerk's? Yes. You swear it. Yes. Was not Pasciulli a confectioner in the service of her Royal Highness? No, not the one I mean. Was he not one of the crew of the ship? Not the same Pasciulli. Was not

Pascialli your clerk? Yes. Was he not on board the Lion three months ago? Yes. What became of him between the termination of the long voyage and his discharge? I do not know. Where was the polacca in the interval? I do not know; she went to Naples. Pascialli went with me to Messina; he and another sailor, who had been with me six years in a flotilla. Did you not tell us yesterday that the notes which you had taken were in your hand-writing? Now you say they are in the hand-writing of Pascialli? Yes, I do. He wrote it by my direction. Will you swear that the paper now before you, in the hand-writing of Schiavini? I will not swear that it was not written by Schiavini. Then it was written by him? Yes, it was.

Here the SOLICITOR-GENERAL said, he should ask the witness no more questions.

Re-examined by Mr. DENMAN.

You are a Lieutenant in the Navy? Yes, I am. And on half pay at this time? Yes. What language do you usually speak when you are in Sicily? Italian. Did Pascialli make a copy of the log-book? Yes, he did. Was he an Italian? He was from some part of Italy, but I do not know from what part. Did Schiavani write the copies which have now been shown to the Court? Yes, he did. And what did he write his copy from? From the notes which had been written by Pascialli, and which I held in my hand as I dictated to Schiavini. Do you think that if you had been required to bring the log-book of the ship with you, you could have done so? I think I could. Did you ever go through the tent in which her Royal Highness slept on deck? Yes, I did, after she was up. Was it a single tent or a double tent? It was a single tent.

Mr. DENMAN said he should ask no more questions.

LORD KINGSTON.—What was the width of the Princess's cabin entrance? About three feet wide. Could the tub in which her Royal Highness bathed be forced into the cabin? No; half might go in, but not the rest. Why not the rest? Because her Majesty's sofa came near to the door. What was the size of the tub? About six feet. Do you mean to say a tub of six feet could not go into a door six feet high? No, because of the sofa. Did you not say the lights on the deck were put out for fear of the pirates? Yes, I did; but not the binnacle light. When her Majesty called to you, did you raise the tent to speak to her? Yes, the sides of the tent. And could you see every person in the tent by the light at the binnacle? Yes, I could. You swear it? I do. Could you hear from your hammock voices in the tent of her Royal Highness? If they spoke loud. Could you hear if two persons were talking? I could hear their voices, but not what they said. I mean from your cot or hammock? I did not always sleep in the hammock; I slept part of the voyage in a cabin. And could you hear voices in the tent from your cabin? Yes.

LORD DONOUGHMORE.—You took copies, you say, of the log-book? Yes. Why did you take memorandums of the occurrences on board

the vessel? It was a mercantile speculation, and for the satisfaction of my friends I took copies. Describe how it was for the satisfaction of your friends? I saw in the public papers reports of her Royal Highness, and I thought I should be called upon to state what I knew, and I took copies of the log-book. Then it was because you had heard reports in the papers? Yes. You took extracts of the log-book, where? At Messina. And copies or extracts from the copies, were taken two days ago, for you to give evidence from here. Yes.

Lord DONOUGHMORE.—There is nothing inconsistent in this.

How came you to be taken into her Royal Highness's service? Witness here detailed some of his naval excursions, and then stated that he was commanding a gun-boat, when he fell in with Captain Briggs of the *Leviathan*, and Capt. Briggs presented him to her Royal Highness, and she asked him if he was unemployed, he told her yes, and she gave him the command of the *polacca*. Did you conceive that you were the commander of the vessel? I conceived every one on board, of the crew, were subordinate to me, and were to obey the orders which I gave. While her Royal Highness was on board the *polacca*, was it not as much under her own controul, as if it were her own house? Yes. Did the crew look up to her Royal Highness for orders? Yes, most assuredly. Were the places for sleeping arranged before you commenced the voyage? Yes. In the situation the tent was placed, would not any person on board take care not to walk near it to disturb her Royal Highness? Yes, certainly; they would not walk nearer than their occupation or duty on board required them. What were you to have as a recompense for your duties on board the *polacca*? On the ship sailing from Sicily first, there was no arrangement, but on my arrival at Tunis I was allowed 200*l.* per annum by her Royal Highness; she sent me some money; I do not know the exact sum; I did object to receiving it, because I did not serve her from interested motives. What sum did you receive? I think 200 dollars at the first time. You thought proper after to receive the money, then? Yes, I was informed her Royal Highness would be offended if I did not. What did you receive in the whole? Three sums of 200 dollars each. At what place did you receive the money? At Tunis, St. Jean d'Acre, and Constantinople. How long have you been in England? A month. Were you summoned to come and give evidence in the Queen's favour? No, I was not. Did you believe that you could give important evidence in her favour? I came to England, and presented myself to her Majesty, having been on a voyage with her. You saw Bergami more on the voyage out than on your return? Both going out and returning, I saw him hourly and momentarily.

Lord DONOUGHMORE.—Did you make the arrangements for the inward voyage? I think so. Do you know where Bergami slept on his return home? I do not. How can you say, therefore, that he did not sleep under the tent?

Objected to by Mr. BROUGHAM.

Lord DONOUGHMORE here desired that his question might be read—it was read. Lord D. then said, that if he had put the question

as it were read, it ought to be objected to. What he meant to put to the witness was - " Having sworn, on your direct examination, that you did not know where Bergami had slept on the voyage homewards, account how you are able to form a belief in the negative as to where he did not sleep on the voyage homewards—that is under the tent?" From being called for to the tent frequently by her Majesty, and never seeing Bergami there. You have stated then, in the day time, you saw Bergami sitting upon the iron bedstead, under the tent? Yes, and other persons. Do you conceive then he did not sleep there at night, and why do you conceive so? Because, if he had been there I must have seen him by the light from the binnacle when I entered the tent at night to speak to her Majesty.

Lord COLVILLE.—Was the tent made up by your directions? Yes, by orders from her Royal Highness. State the dimensions? I cannot say exactly. It was from the mizen-mast to the main-mast. Was it fixed to the mizen-mast? Yes. What do you suppose to have been the length of the tent? Perhaps about twenty-two or twenty-three feet; but I cannot be precise. How much less than the breadth of the ship was the breadth of the tent? About a foot. Where did the binnacle stand? Aft the mizen-mast. The whole of the space inside of the tent was quite light enough then for you to see every thing from the light of the binnacle? Yes. Was the communication from the tent to the dining-room always open? The passage was open, but the tent covered the hatchway.

Lord GROSVENOR.—You have said you did not know where Bergami slept, on the voyage from Jaffa, do you know where the others of her Royal Highness's suite slept? I know where Hieronymus slept, or any others of the suite. Where? On the larboard side, in the foremost cabin. Where Mr. Austin? On the opposite side; and also the Count Schavini, Dr. Holland, and Mr. Hownam. What is the reason you cannot say where Bergami slept when you know where the rest of the suite slept? Because, he hid the other out of the dining-room good night.

The Marquis of BUCKINGHAM.—How were the lights of the binnacle situated after you heard the reports about the pirates? The lights of the binnacle were very low down, not above a foot and a half high, and the bulwark was so high that the lights could not be seen by persons any distance from the ship. Who fitted up the cabin? It was by my orders. Who ordered the bed of Bergami to be removed to the cabin? I suppose it was the desire of her Royal Highness. Did you receive orders from her Royal Highness that Bergami should sleep below? I think I did, I am not positive.

Duke of CLARENCE.—How long have you been midshipman? Eight years. How long a Lieutenant? Eleven years. You have had seventeen years service? Yes. Did you assume the command because there was a royal personage on board, or had you a charter-party? I assumed it by order of her Royal Highness, and the captain agreed that I should have the command of the navigation of the ship.

MR. CARRINGTON examined by Lord MELVILLE.

You said to the Court—who examined you on Saturday that you had been a midshipman prior to your being in the service of Sir W. Gell? Yes, I did, with Sir John Beresford. You were asked if you had been in any other ship except the *Poictiers*, and said not? I meant that I was under the command of Sir J. Beresford, but I had been in other ships. You said you had been in the merchant service, and then on land, and then a midshipman in the *Poictiers*; is that answer correct? Yes. You were asked if you had been on board another King's ship before the *Poictiers*, and you said no; is that true? I thought the question related as to any other ship under Sir J. Beresford; I served in no other under him, but I was on board other ships, the *Majestic* and another. Did you enter voluntarily or not? I was pressed. Did you serve as Midshipman in the other ships? No, as Quarter-master. In reply to a question, "why did you leave the sea," you said you did not like the service, and Sir J. Beresford got your discharge? Yes. You said you left the service at your own request, and for nothing else? Yes. When did you first dislike the sea? I had been promised promotion, and was deceived frequently; I had no friends to support me as an officer on the quarter deck, and I wished my discharge. You do not know that Sir W. Gell requested that you should be discharged? Sir W. Gell was on board, and I did several trifling things for him on board; on his leaving the vessel, he said to me, I cannot give you money for your attentions, but if you have any request I will use my influence with Sir John Beresford. I told him I was rated in the ship as a gentleman, that I had not money to support it; he told me to think further of it till next day. On the following morning I told Sir John I wished to leave the service, and he said it was easily done. The next day I was persuaded a great deal to remain in the service. I refused, and Captain Jones gave me a letter of absence; and told me to come to London, where Sir John Beresford was then; he sent me down to the *Thïsbe* for another situation; I went and there was no vacancy, and I returned to Sir John, and he gave me leave to go where I chose; and if I should get into trouble in consequence, I might write to him, and he would give an answer to clear me. I saw Sir John two years after, and I told him that I had not had my pay which was due to me for service on board the *Poictiers*, and he gave me a note to go to Somerset House, who sent a porter with me to the office, where I received the pay. After giving this statement, are you sure that no other person asked for your discharge besides Sir W. Gell. Not that I know of; I told Sir W. Gell what I wanted, and he said that he would speak to Sir John Beresford.

Marquis of BUCKINGHAM—You were asked if you had been in any other ship in his Majesty's service before the *Poictiers*, and you said no? I understood the question to be, whether I had been with Sir J. Beresford in any other service.

Duke of CAMBRIDGE—Were you turned over from the *Majestic* to

the Poitiers? Yes. Did you do service on the quarter-deck when you first entered the Poitiers? No, I did service as a quartermaster.

Mr. BROUGHAM said, that the witness had already, and most satisfactorily, answered the questions put by his Royal Highness the Duke of Clarence, and referred to that part of the printed minutes of the evidence in which he had done so.

Mr. BROUGHAM.—Were you ever discharged for misconduct from any ship in his Majesty's service? Never. Did you give satisfaction in every circumstance to your commander? To all. To Sir John Beresford? Yes, he spoke highly of my conduct to Lord Percy. Had you always a certificate of good conduct from the officers under whom you have served, while you remained in the Navy? Yes, I was always well recommended by the officers.—Before you arrived with her Majesty at Naples did you make W. Austin's bed? Yes. In a room near to that of her Majesty or in her Majesty's room?—When there was no room in her Royal Highness's room, his bed was made in another room. More than once? Yes, or twice.

SEVENTEENTH WITNESS.

Lieut. JOSEPH ROBERT HOWNAM *examined by* Mr. DENMAN.

He stated that he was in the Royal Navy; that he had been a Lieutenant since 1808, and that he was settled with his wife and family, at Rouen, in France. Did you at any time join the party of the Princess of Wales? I did, in April 1815. Where was the Princess at the time? At Genoa. How long did you remain at Genoa after you had joined the Princess? About six weeks. Do you recollect, at any time, while at Genoa, any disturbance happening in the course of any night? I do. What was the nature of that disturbance? It was supposed that the house was broken into. Was there any general alarm made in the night? There was. Did you get up in consequence? I did. Who was the first person you saw upon that occasion? The first person that I saw was Bergami, who came into my room. Did he give you the alarm? He did. Had he any thing in his hand at the time? He had a candle, and I think a sword. After the alarm did you go into the hall? I did. Whom did you find assembled there? The Princess and many of the servants. During the time you were at Genoa, did you ever breakfast with the Princess? Never. Have you ever seen her at breakfast? I have. At the time you saw her at breakfast, was Bergami at breakfast with her? No. Did you ever know him to breakfast with the Princess at Genoa? Never. Were you in the habit of dining with the Princess at Genoa? Every day. Did Bergami dine at the Princess's table any day while at Genoa? Never. Can you recollect at what place it was that Bergami first began to dine at the table of the Princess? I do not recollect the name of the town, but it was on a journey over Mount St. Gothard. Do you recollect about the date? In August, 1815. You say that the first time of dining

was on the journey; did Bergami continue to dine regularly from that time, or did he begin at a subsequent time? He did not dine regularly till sometime after that. Where did the Princess reside at the time he so began to dine? At Villa d'Este. Do you remember when the Princess resided in a house called the Casa Borromeo? I do. Do you remember a staircase in that house, on the landing place of which the door of the Princess's apartment opened? I do. Do you know whether the staircase was secret, or whether it led to other apartments? It was not secret, as it led to my sleeping room, and to the chambers of the lower servants. Do you know whether that staircase was ever used by those servants in going to their sleeping apartments? I do not recollect having seen them upon it. After you left Milan you went to Venice on a little tour? Yes. About what time was it when the Princess took up her residence at the Villa d'Este? I think about the latter end of September. Do you recollect the position of the Princess's room, and of Bergami's there? I recollect the Princess's room, but I do not know where Bergami slept. Do you recollect upon the long voyage being at Tunis? I do. Did you accompany the Princess during the whole of the long voyage? I did. Do you recollect where Bergami slept at Tunis? I recollect his pointing me out his room, and he used it as his own. Was that room near that of the Princess? No. Describe the different situations of the two rooms? Bergami's room was the only room up a flight of stairs, that any person in the house occupied. Whereabouts was the Princess's room? There were several rooms between the flight of stairs and the Princess's apartment; that is to say, they were three or four rooms apart. Was Bergami's room on the same floor as the Princess? It was not; the Princess's room was on the same floor as the rest of the household. Do you remember while at Tunis, taking a short journey to Utica? I do. Where did the party sleep on the night of the day when you visited Utica? In a house called Sabella, the palace of the younger Prince. On board the Polacca, be so good as to describe if there was any separation between that part of the vessel occupied by the Captain and crew, from that part which belonged to the Princess and her suite? It was quite distinct, and separated by a bulk head. Had the Captain any duty to perform which carried him to the part of the vessel occupied by the Princess? None whatever. Do you know in what part of the vessel the water-closet appropriated to the use of the party was? I think there were two, one from the cabin of the Princess, and the other from the cabin of the Countess Oldi. Did you ever see the Captain while on board in that part of the vessel? Never. You recollect landing at Ephesus; what was the name of the place where the Princess slept on the night of your landing? On the plains of Ephesus, under a shed, constructed of planks or boughs, I am not sure which. Did the Princess sleep under this shed? She did, and her suite all round her. Was it enclosed on each side, or open in any way? Open. Did you sleep near the Princess? I did. Do you remember where the Princess dined on that day or the next? In the Church-yard, next the Coffee-house, where they slept the night be-

ore, under the portico of an old Mosque. Did the Princess dine alone on that occasion? I most perfectly recollect that we all dined together. How did you contrive to sit? Upon the ground, and the Princess on her travelling bed. Are you sure that the rest of the suite, or part of it, were near the Princess during the time of dinner? I am confident as to having dined myself, and every body else. Where did you re-embark? At Scala Nova. And to what place did you sail? To St. Jean d'Acre. Were you after that, or before it, at Constantinople? Before that. How long did you remain there? About 12 or 14 days, or more. At whose house did the Princess reside? For five or six days at the Palace of the British Minister, Mr. Frere. In what way did the Princess travel from St. Jean d'Acre to Jerusalem? Upon an ass; asses, or mules, or palmarines, the usual modes of travelling there, I was on a horse. We travelled during the night, and laid by during the day, resting under a tent. Did you observe whether the Princess, before she laid by for the day, appeared fatigued or not? Excessively so. Did you make any particular observation as to the nature of this fatigue? I have seen the Princess fall upon the ass more than once. Towards the latter part of the night? Towards the morning. Do you recollect, whether on the voyage to St. Jean d'Acre, there was any tent on deck? There was—on the voyage out it was occasionally erected to protect the Princess from the sun or wind. On your re-embarkation at Jaffa, was the weather hot or otherwise? Extremely hot, it was the month of July. Had you any cattle on board? Yes, horses and asses in the hold, who made both a noise and a smell. Where did her Majesty sleep on her voyage from Jaffa home? Under the tent, which was put up under her direction. Did the Princess make any complaint regarding the vessel's sailing? Yes, the voyage became excessively tedious and complained of the slowness of the ship's sailing; I stated that the tent delayed us, when the Princess said, she had as soon sleep without it. Do you remember any circumstance relating to a light being kept under the tent? I do. The Princess on the previous part of her journey, used to sit on the deck till a late hour with this light, but we heard reports of Tunisian vessels in the Archipelago, and I mentioned that the light would serve as a mark for vessels cruising in those seas. We had in fact seen two of them at Cio and St. Jean d'Acre. Did you, in the situation you held, think it a matter of duty to give that advice? I did, and the light was put out earlier, perhaps at 9 or 10 o'clock, or later. How many sofas were there on board the Polacca? Four; two were lashed together in the Princess's cabin, and two in the Countess Oldi's cabin. Was there afterwards any alteration made in their situation? The Countess sent one out of her cabin, which was occasionally on deck during the first part of the voyage, and always after leaving Jaffa. Do you mean that it was beneath the tent? I do. What was there besides the sofa underneath the tent? An English travelling bed. Do you know whether there was any communication open between the tent and the part of the vessel below? There was a ladder which went down into the dining-room. The House adjourned at four o'clock.

TWENTY-NINTH DAY.—OCTOBER 11.

EIGHTEENTH WITNESS.

Examination of Lieut. J. R. Hownam resumed by Mr. TINDALL.

You yesterday mentioned a communication from below to the tent on deck; was that communication open by night as well as by day? The ladder stood there constantly. Had you any opportunity to see whether it was there by night or not? I have on an evening, had occasion to take the ladder away, and it was then open. Was the light out at that time? I am not certain; I rather think it was out. You have stated that beneath the tent there was a sofa and a travelling bed? Yes. Do you know upon which her Royal Highness reposed? The sofa, I think. Do you know who reposed during the night on the travelling bed? I do not know, I never went into the tent after it was night. Do you know whether her Royal Highness slept there alone? I do not know, as I have not seen her there. Do you know whether during the journey by land from St. Jean d'Acre to Jerusalem, when you stopped in the day, her Royal Highness was dressed or undressed? I never saw her undressed. Did you ever happen to go in immediately previous to your departure? We always dined immediately previous to our departure. Am I to understand you whether you believe the Queen was dressed during the day on that journey, or undressed? I believe she was not undressed. State the grounds of your belief? I never saw any bedclothes on the sofa. This applies to the journey by the land. Now, as to the tent on board, was the Princess dressed or undressed by night? I never saw any bed-clothes on the sofa. Do you recollect on any occasion an accident happening by a sea breaking into the tent? I do. Describe the nature of that accident?—Off the the coast of Carabona, there was a squall. A sea broke over a part of the vessel, and her Royal Highness came down to sleep.—was the accident of that nature as to call you up immediately? It was. Did you see her Royal Highness come down? I did. On that occasion, was she dressed, or not? She was dressed. Did you see any body hand her down? I did. Who was the person or persons? Bergami handed her down and Mr. Flinn I think. Was Bergami dressed or not? He was dressed. Did you ever see any indecency or impropriety on board the vessel? Never. Did your duty cause you frequently on deck? Yes. When you arrived at Terrachina did any person go ashore? Yes, Bergami, Camera, and I think Theodore Majocchi. What was the reason these persons went ashore? To get refreshments. In what manner did these persons take leave of her Royal Highness? They kissed her hand. Did they all kiss her hand? Yes. Now I put it to you, whether Bergami kissed the Princess on that occasion? Certainly, not her face. After remaining some time at the Villa d'Este, where did her Royal Highness go? To Barona. Was there any entertainment given there by the Princess? Yes, to the farmers daughters and the household. Was the Clergyman of the place there? I can-

not say whether at the dance, but I have often seen him visit the Princess. Was her Royal Highness frequently in the dancing-room during these occasions? Not constantly; she came in occasionally from an adjoining room. Did you yourself partake of these dances? Not always. During these dances, did you observe any thing indecorous in the conduct of these parties? Not at all. Do you recollect a river called Brassia, near the Villa d'Este? I do. Describe that river? It was more like a torrent than a river. Is it ever dry or little water in it? I don't think I ever saw it dry, but often little water in it. Do you think it a place likely for persons to bathe in? I think not. Do you recollect being at Carlsruhe? I do. Who received her Royal Highness? The Grand Chamberlain. Do you remember arriving at Trieste? I do. What part of the day was it? The middle, about two I think. Did any one receive the Princess, on her arrival at Trieste? The Governor, or the Vice-Governor, received the Princess after she had arrived at the Inn. In what manner did her Royal Highness pass that evening? She went to the Opera. When did you resume your journey? The following day, at five or six in the evening. Do you remember a gentleman of the name of Baron Ompteda? I do. Was he in the habit of visiting at her Royal Highness's house? Constantly. Do you remember whether he came to Naples? Yes, he did. At Genoa? I do. Did he dine there, or merely call? He dined there. Now at that time was Theodore Majocchi in the service of her Royal Highness? He was. Was it his duty to wait at dinner? It was. Have you seen Baron Ompteda at Milan and Como, also on the occasion of visiting her Royal Highness? Frequently. Do you remember his coming to the Villa Villani? I do. How long did he stay? He stopped once a whole night. Do you know if there was a room in the house called by the family Baron Ompteda's room? Yes; he always occupied a room appointed for him. At the time he was last there, was Majocchi still a servant? He was still a servant. Did you ever converse with him on the subject of Ompteda? At Rome, some time after Baron Ompteda had been at Como. In the course of the journeys you have taken with her Royal Highness, was it customary or not to be shewn into a room of entertainment where there were beds? Frequently. Was it uncommon to shew travellers into rooms of this description? Not at all. Did you in consequence of any directions of her Royal Highness do any thing respecting Baron Ompteda? Yes, I called him out—(A laugh)—but that was rather in consequence of a representation than a direction. Did you at Rome do any thing respecting Ompteda? I did. What did you? I gave strict directions to the servants not to molest Ompteda in any way, should they see him, or to take the least notice of him. Was Majocchi one of those to whom you gave these directions? I am most positive he was. Have you ever known that her Royal Highness has visited any of her servants while they were ill in bed? I have very frequently. Do you recollect in particular the circumstances of her Royal Highness having visited a servant of the name of Camera while he was in

that situation? I do. What was the nature of his disease? The plague. Do you know whether that was known to her Royal Highness when she visited him? That I don't know. Do you recollect her Royal Highness visiting any other person under the same circumstances? I do. At the different places which her Royal Highness visited while you were in her suite, do you know whether she was visited by the people of distinction at the several places? Yes, she was every where except at Vienna. Who was the Ambassador at Vienna while her Royal Highness was there? Lord Stuart. On those occasions you have mentioned when her Royal Highness was visited by the persons of distinction, what was her conduct and demeanor? Every thing that was majesty and grace. How was she treated at the several Courts, with the exception you have mentioned? With the utmost respect and attention. Do you remember her Royal Highness's journey from Alcona to Rome? I do. Do you remember her Royal Highness's journey from Rome to Senegaglia? I do. Do you recollect in what kind of carriage her Royal Highness travelled? In the English landaulet. In what carriage did you travel yourself? I think in the English landau. Do you remember who accompanied you? As far as I can recollect, Schiavini, Mademoiselle Damont and her sister. How long have you been in the suite of her Royal Highness? From the month of April, 1815. Down to when? The present time. Have you had opportunities, from the year 1815 down to 1818, of observing her Royal Highness's general conduct? The most constant opportunities. Then speaking from those opportunities, did you ever observe any thing whatever in the conduct of her Royal Highness partaking of indecency or impropriety, or at all derogating from her illustrious rank? Never.

Cross-examined by the ATTORNEY GENERAL.

When did you join her Royal Highness's suite? In November, 1815, at Genoa. How long were you at Genoa before her Royal Highness quitted it for Milan? I think about six weeks. Was Bergami as courier at that time? He was. And wore the dress of a courier? And wore the dress of a courier. How soon after your arrival at Milan was her Royal Highness left without any English ladies of honour? Her Royal Highness was left without English ladies of honour about ten or twelve days I think after our arrival at Milan. How long after they left did the Countess of Oldi come to the Princess? A very short time, one or two days probably. Before the Countess of Oldi came, had Faustina, with the child Victorine entered the service of her Royal Highness? She came to Genoa with the child; I understood she was in the family. When did the mother of Bergami come into the Princess's family? At that time; I think she came with the child. Did Louis Bergami come also into the family at Genoa? He was there when I came. Was he an upper servant at that time? He was. You have stated that you accompanied her Royal Highness on a tour to Mount St. Gothard? I did. Did not Bergami accompany her Royal Highness upon that occasion as courier? He was dressed in a courier's dress; but at

that time he rode in a carriage. Had not Hieronymous and Bergami courier's dresses on, and did they not travel together? Yes. In the course of that tour did not Bergami dine with her Royal Highness? He did. Who dined with her Royal Highness besides? The persons who accompanied her Royal Highness; and a man living on the mountains; I do not know what his name was. Was Bergami at that time in the dress of a courier? He was. Did not Bergami dine with the Princess at Lugano; that was on the return from the journey to St. Gothard? He did. On all occasions on the same journey when Bergami dined with her Royal Highness, was he not in the dress of a courier? He was. At the Villa d'Este did Mr. Burrell leave her Royal Highness? He left her Royal Highness at the Villa Villani. Mr. Burrell was not on the journey to Mount St. Gothard? He was not. Was Dr. Holland? He was not. Did any English Gentleman accompany her Royal Highness on that journey? No. When you have seen them walking were they arm in arm? Yes. At the Villa d'Este? Yes, I have seen her walking with some gentlemen. You have stated that you have never seen, during the whole time you were with her Royal Highness, any thing indecent or unbecoming her station towards Bergami? Yes. And you have stated that he dined at the table of the Princess in the courier's dress, now I ask you whether you think there was any thing unbecoming her station in that? I never saw them walk arm and arm until he was elevated to the station of dining at the table. You must see, Sir, that is no answer to my question. I ask you whether this was unbecoming her station? I do not think it was. You have stated that you never saw them arm in arm until he regularly dined at the table. Now, I ask you did they not walk arm in arm during the journey you mentioned? To the best of my recollection they did not. You have stated, Sir, that you did not consider this degrading to the Princess; now I ask you, did not you represent that you entreated the Princess, with tears in your eyes, on your knees, to dissuade her from admitting Bergami to the table? I never did, as well as I can recollect. Then you never did advise her Royal Highness not to dine with Bergami? I never did. Nor any thing to that effect? Nothing to that effect. Then if you did not advise her, you could never have represented to any one that you did so? I do not think I did; I could not. Did you ever make such a representation to Captain Briggs? I have no recollection of the circumstance, I do not believe I ever did. Do you believe you stated that to Captain Briggs or not? I swear I believe I did not. How long were you on board the *Leviathan*? About three weeks. When Mr. Burrell left, was her Royal Highness in the habit of having amusements with the servants? Yes, it was more to amuse William Adstin, I think. Did her Royal Highness join in the games? Yes. Was one game Confitreard, or blind man's buff? Yes. Was these games played while Mr. Burrell was there? Mr. Burrell had left, but the same games were played at the Villa Villani when Mr. Burrell was there, and they were played every where else. Do you mean to state that Mr.

Burrell joined in those games? I do not recollect the fact of his doing so. Had Bergami ever dined with the Princess before Mr. Burrell left? No. Was there any other English gentleman in her Royal Highness's suite when her Royal Highness began to dine with Bergami besides yourself? No. Were Bergami, and Louis Bergami, at these games? I think they were. Was Faustina the sister? I think not. Did you ever see her Royal Highness perform at the Theatre at Villa d'Este? Yes. Did she perform Columbine to Louis Bergami's Harlequin? I do not know the character; there were 200 persons present; the whole of her Royal Highness's household were on the stage; the piece was composed in her Royal Highness's household. Do you mean to say you do not know that her Royal Highness played Columbine to Louis Bergami's Harlequin? I do not perfectly recollect; there were three pieces performed. Did her Royal Highness dance? Yes. With whom? With every one indiscriminately. Who played Harlequin? Louis Bergami. Now you recollect the Harlequin, do you know who was the Columbine? I cannot say whether her Royal Highness was or was not. Will you swear her Royal Highness was not the Columbine? No, I cannot say; and I cannot say she was not. Did her Royal Highness act any part? Yes; the part of an automaton; the automaton was sold; the history of the piece I do not exactly recollect; but I remember the automaton could be wound up to any height; the automaton was sold and bought. Did Bergami play the part of the person who sold the automaton? No; it was the Chevalier. Did he play the part of the person who bought the automaton? No, it was Professor —. Did Bergami perform the part of a sick person? No, he played a pedler. Did her Royal Highness perform the part of a milk maid; a low character? I do not recollect that she did. What other characters did her Royal Highness perform? I do not recollect; I have vague ideas upon the subject, but cannot say what character she did perform. Do you remember an entertainment being given by her Royal Highness on St. Bartholomew's Day? I recollect the entertainment; but I cannot say if it was on St. Bartholomew's Day. Was that day kept in honour of Bergami? I do not recollect. Did you go with her Royal Highness to Venice? I did. With Dr. Holland? Yes. And you remained there with her? I did. You accompanied her Royal Highness on the long voyage; before that had Bergami been raised to the rank of a Baron? No, but before we left Sicily he was, and also a Knight of Malta. When you first went on board the Polacca, where did Bergami sleep? I think in the aft, in a small cabin on the starboard side. How large was the Polacca? About 260 tons English. Who slept in the cabin next to him on the same side? I think it was the Count Schavini, and next to him William Austin; next to William Austin I think Cameron slept. And on the starboard side?— The two maids, and next to them myself, next to me Mr. Flinn, next to him Hieronymus. After you left Tunis did Bergami sleep in the dining-room? He did. While at Tunis you visited Utica? I did. Where did you sleep on the night of the day you went to Utica? At the palace

called Savallo. There was a tent on the deck of the Polacca? Yes. On the return from Jaffa the Princess slept under it? Constantly. What was the size of her tent? About ten feet long; the sofa was about six feet. How wide might it be? Sixteen feet, altogether, perhaps. There was a sofa and a bedstead under it? Yes. Where was the bedstead? At right angles with the sofa, three or four feet apart; I mean the adjoining angles. You have stated that an accident happened by a sea breaking in, where did her Royal Highness sleep? First she laid down upon the deck, then she went into the cabin of William, where the water came in, and then I gave up my bed to her. Where did she lay on the deck? Aft, on the starboard side. You saw Bergami handing her Royal Highness down; where did he lay after? I did not see him afterwards; I do not think he lay down at all after I saw him with others handing down her Royal Highness. Did you see him laying down on the deck after that? No, I do not recollect that I did. Where did he sleep on the return from Jaffa? I do not know. Have you never seen him under the tent on the bed? Yes, in the day-time, as I have seen every body else that was there. Where did you see him in the tent? Sitting upon a chair, or upon the travelling bed. Do you know where Bergami slept on the way home from Jaffa? I cannot say positively, as I never saw him sleeping any where. You have ascended the ladder when you did not know that the tent was closed? Yes, more than once. And the ladder communicated with the dining room? Yes. At what time was it that you went into the tent? About ten or half-past ten. Who was there? The Princess. Any body else, I saw nobody else. Was it dark? Yes. Did you see the Princess? No. Or Bergami? No. Did you not then pass through the dining-room in which Bergami had slept during the outer voyage? Yes. Was there any light there? I think not. Where did Dumont and her sister sleep then? I do not know. Did either of them sleep under the tent with the little Victorine? I believe they did by turns. Do you believe that Bergami slept under the tent? I have heard he did, and I believe he did. Was not St. Bartholomew's day celebrated on your arrival off Syracuse? We were at Syracuse.

Here some dispute arose between the Counsel as to the answer about Bergami's sleeping under the tent.

Mr. BROUGHAM had said that the ATTORNEY GENERAL had interposed during the answer of the witness, between the words, "I heard and I believe."

Do you not believe that on the return from Jaffa Bergami slept constantly under the tent? I have heard it, and I believe he did sleep under the tent. Do you not think that degrading to her Majesty? No, I thought it necessary that some person should sleep near her on that occasion, and I have heard that others had done so. Do you think it was degrading to her Royal Highness's station? I do not. When you arrived at Syracuse, was not the day of St. Bartholomew celebrated on board the polacca? I recollect that the sailors had a fete; I believe it was on St. Bartholomew's day. The

sailors were regaled on that day? They were rejoicing; I do not know who regaled them on that day. Who do you think did regale them? I believe Bergami did. Why do you think so? Because in those countries they keep the days of their name instead of their birth-day; every body keeps that day in Italy. Was any other Saint's day kept on board? I do not recollect. Did the sailors cry—*Viva il Cavaliere, Viva la Principessa*? I did not hear them. Do you mean to say you heard none of the exclamations of the crew? I heard them all, but I do not recollect any particular expressions. Did you see Bergami and the Princess on that day? Yes. On the deck? As usual. Walking together? As usual. In what manner? I recollect nothing particular on that day; if they were walking it was as they always did. Arm in arm? They might have been. Was that their usual way? She could not walk on the deck without the arm of somebody. But they were in part? Yes. Could she not walk alone on the deck? I did not say they were walking together, I noticed nothing particular. Was it usual for her to walk arm and arm with Bergami, and so usual that it did not deserve particular notice.

Mr. BROUGHAM objected to this question, as it assumed the witness having said what he never did say.

The question was then put in the following shape: was it so usual for the Princess to walk arm in arm with Bergami, that if she had done so in Syracuse it would have made no impression on your mind? It would not. Were any additional honours conferred on Bergami? Her Royal Highness had said for a long time that she would confer some little mark of favour upon those who had accompanied her, as a sort of memento; I do not think you can call it an order. What was it called? The order of St. Caroline. Was he one of the knights of this order? He was, at least so it says in the diploma. Was any other order conferred upon him on that journey to Jerusalem? Yes, the order of St. Sepulchre. Was that order purchased for him? I think not. Were there any other persons who had it? Yes, Count Schavini and William Austin. Is it a Catholic order? Yes. Were you present at the time, and the Princess? Yes. Where was it? At the Cathedral in Jerusalem. In going to Jerusalem did you repose under tents? We did. By day? Yes, we travelled by night. How many tents were there? Six or seven, more or less. Who was in the tent with yourself? Flinn, the doctor and Schavini. Did you see the Princess, when she alighted, retire to her tent? I have seen her throw herself on the sofa of the tent. Where did Bergami repose during the day? I do not know. Did he repose under the tent with her Royal Highness? I do not know; I never saw him there. But what do you believe? He might or might not; I do not know. What was your belief? I dare say he did; I do not know; he may or may not, I cannot say; because I had no journal to put it in. Did you see him under any other tent? I did not; I retired to my own as soon as I got off my horse. Where did Schavini sleep? Under the tent with me; but I will not be positive. In your journey to the East, you were at Ephesus? Yes. Your

member the Cafe Turc at Ephesus? Yes, Where did the Princess dine? She dined in the church-yard, under the porch on the following day, Where did you dine? With her, Will you swear that? Yes, as far as I can recollect, that is the impression upon my mind. Where did you land on your return from the voyage? At Cuppo Lanza. You have said that at the Barona there was dancing, and that there were daughters of some persons in the neighbourhood, who were they? The farmer's daughters, How often were there dances given at the Barona? Four or five times. You knew the farmer's daughters? Only from seeing them there; that is all the knowledge I had of them.

Cross-examination continued by the ATTORNEY-GENERAL.

Do you recollect Bergami and Vassali going for passports from a barrier town? Yes. There was snow on the ground, and great difficulty to get on? Yes. Persons were employed to cut away the snow to enable you to get on? Yes, 30 or 40 persons. What time did you set out in the morning from that place? At day-light. What month? In the month of March. Was it not eight o'clock before you set out? I believe it was day-light, but I do not recollect the hour. Was it broad day-light? I think it was. Was your baggage left at the barrier, or did you go on to the inn? We went to the inn; I believe the barrier was beyond the inn; we had to return to the inn. Were the carriages unloaded on the night or not? I had no baggage, and I do not think they were. You have spoke of the journey from Milan to Rome, and from Rome to Senegaglia, how many carriages had she? Three or four. What sort of carriages were they? An English landau, an English landaulet, a little carriage belonging to William and a Roman calash.

Re-examined by Mr. TINDALL.

You have stated in your cross-examination, that her Royal Highness at Villa d'Este joined in certain games which you mentioned. I wish to know whether the whole of the household joined in these games, or only the upper servants? Only the upper servants. The footmen never attempted to join them. You stated also that plays were performed at Villa d'Este? I did. How many years ago did this spectacle take place? On the return from the long voyage in 1816. Have you any better recollection of the incidents and plots of these entertainments than the account you have already given us? None in the least, they were for amusement only. You have stated, that on the occasion of the accident you have described when the Princess came below, that you did not know where Bergami went to. Did he go into the cabin which her Royal Highness went into? I do not recollect that he did. You have stated in answer to a question put to you, that you believed Bergami slept under the tent; what is the ground of that belief? At the time of the squall her Royal Highness came down below, and Bergami said he saw water come into the tent. Consequently he must have been there to have known that circumstance. Have you any recollection of the dress of Bergami on that occasion? No I have not. I mean was he undressed? Oh, no, he was dressed. You have also stated, that half the crew were upon the deck during the night? I have. You have also stated, that you thought it necessary that some person should sleep with the Princess in the tent. I now ask you what was the ground of your belief that it was necessary? The Princess sleeping on the deck by herself I thought would not have been at all right. You have said that you have seen the Princess walking arm in arm with Bergami, Have you seen her walking in the same

manner with any other of the household? Yes, her Royal Highness has walked with me. I have seen her with Schavini, and with gentlemen who have visited her Royal Highness at the Villa d'Este. You have stated that Bergami was made Grand Master of the Order of St. Caroline. Who were appointed the Knights of that Order? I was one myself, William Austin, Hieronymus, and Dr. Bassano were Knights. Was this Order conferred on the whole suite who arrived at Jerusalem? No, only upon the persons I have mentioned.

Examined by the PEERS.

Earl of ROSSMAY.—Referring to the tent on board the polacca, I wish to know whether any person ever opened the tent after it was closed at night? Certainly. Do you know whether it was fastened inside, at the part where it was so opened? No, I do not. When you ascended the ladder to go into the tent, did you ever see her Royal Highness asleep? When I ran up the ladder and found my mistake, I immediately went down again; I merely put my head above the hatchway, and when I found that her Royal Highness had retired, I immediately went down again. You stated that it was after the light was put out? Yes, the light had been out then. Then your own knowledge of the Princess being there was by the tent being closed? Yes. In the journey from Rome to Senegaglia, you stated you have no recollection which of the two couriers accompanied the Princess in a carriage? I do not recollect; I think it was Sacchi.

Earl GARY.—When you stated that you thought it was necessary that some one should sleep near her Royal Highness in the tent, did you mean a male attendant? Yes, I meant that. Under the circumstances under which you believe Bergami to have slept under the tent, did it convey to your mind any suspicion of an improper intercourse between the Princess and him? It did not.

Earl of LIVERPOOL.—Do you know where Captain Flinn slept on the voyage home. He slept in his cabin, and sometimes hung his cot upon deck—I do not know how many nights he slept upon deck. Did you act as private Secretary to the Princess, I did. Do you know whether Bergami is in possession of the Barona. I believe it was his, but I do not know.

Marquis of LANESDOWN.—When you state that the Princess and Bergami may have been walking arm in arm on the deck, do you mean that the Princess may have been leaning on the arm of Bergami? Yes. Did the Princess, during the time she was on board the Polacca, ever lean on your arm in the same manner. It was very possible, but her Royal Highness used to walk with me arm in arm very often. During your residence in Italy, have you ever seen any entertainment either at the house of the Princess or any other place, where the characters of Harlequin and Columbine were sustained in the same manner as in this country in what is called a Harlequin Farce. All I have seen is Louis Bergami, in what is called a Harlequin's dress, and more than once.

Earl of LIMINGTON.—On those occasions, when you state that you believe Bergami slept under the tent, had you reason to think that any third person, male or female, slept under the tent? I do not know. Can you swear that you never saw Bergami kiss her Royal Highness, I can swear it, I understood you to say that you thought it necessary that a person should sleep in the tent with the Princess. From what do you conceive that necessity to arise? I never represented the necessity myself, but on the occasion of speaking of it I must confess I thought it necessary for somebody to be near the Princess. A woman alone on a ship's deck at sea I should think perfectly authorised in having some person near her. Would not that necessity be answered by any of her numerous suite having their hammocks slung near the tent, or by having some person mounting guard outside the tent, instead of sleeping in it with a man in the dark? The thing never presented itself to me before, but the suite was not so numerous as to enable it to be done. There was only Captain Flinn and myself who could have done it, as it was not to be expected of Schavini, who never set a foot on a deck before. Could not a hammock have been slung equally well on deck for any such person as Lieutenant Flinn? It might have been slung there, but Lieutenant Flinn brought his on deck merely for the cool air. Would it not

have sufficiently answered the purpose, if a female had been placed in the tent instead of a male person, or besides the male person, the tent being fully equal to contain three persons? I cannot answer the question; there might have been 50 ways of doing it, and we might all have slept outside round the tent as well as one: Was any order given to the officer of the watch, to watch especially over the person of the Princess? No, I do not recollect it. The officer of the watch was the mate of the vessel. Were any suspicions entertained by you of the crew or any part of it? None. Then it was not from any apprehension of the crew, that you conceived it necessary that a man should sleep in the dark in the same tent with the Princess. When I saw it I looked upon it in that way. In what way? That it was not improper. Then you do not conceive that there were any impropriety in a male person sleeping in the same tent with a female, the light being out? From the manner the hatch being open, and all the doors below, I do not; there was no mystery in it whatever. As a married man, I beg to ask whether you would have any objection, or conceive it improper, that Mrs. Hownam should so sleep in a tent with a male person? Every man looks at his wife, I trust, without making any comparison, or exception. I never made any comparison. Then you cannot form any opinion upon it? I cannot.

Mr. Brougham observed, that the witness was not to be understood as saying, that he made no comparison between the Princess and his wife.

I beg to know whether you see no impropriety in a male and female so sleeping? I do not conceive that there was any impropriety, because, if there had been, I must have felt it. I have seen the Princess in so many situations during her travels, that I did not look upon it as improper. What do you mean by saying, that you have seen the Princess in so many situations? I have seen her in a sorry shed, in which we should hardly put a cow in this country, at Ephesus, in the midst of horses, mules, and Turks. It did not strike me as improper. In the early part of your cross-examination, you said, that you did not know where Bergami slept; but after many questions, you were induced to form a belief that Bergami slept in the tent. I beg to ask, what is your reason for not stating that earlier in your examination.

The Earl of LIVERPOOL submitted, that this was an inference to be drawn from the testimony, and not a fit question for the witness.

The Earl of LIMTRICK.—You recollect that Louis Bergami was dressed as Harlequin, but did not recollect the dress of the character of the Princess. Did you see Louis Bergami and the Princess dance in any part of the representation together? I have seen Louis Bergami dressed frequently as Harlequin, and he was dressed in that way that night, and we all danced together; I was dressed as a Greek. I suppose as the piece was Harlequin and Columbine, the principal part of Columbine was not omitted; who played Columbine? I do not recollect; if the Princess had played it I would state it. You said that the Princess played the part of an Automaton on one occasion? Yes. And that the Automaton was sold and consequently bought. What did the Automaton do; was she sitting, lying, running, or what? In a box, standing up, I think. Do you think these acts stated by you consonant with the high dignity of the Royal Personage about whom we are speaking? I do not think them any derogation from her Royal Highness's rank, knowing the pleasures she takes in that sort of entertainment.

The Lord Chancellor adjourned the House at four o'clock.

THIRTIETH DAY.—OCTOBER 12.

Continued examination of Lieutenant HOWNAM, by the PEERS.

LORD WALINGHAM—Do you know where her Royal Highness took the bath on board the *polacca*? No, I never saw her take the bath, and cannot tell.

LORD KINGSTON—Do you know the reason Bergami was selected

to be in her Royal Royal Highness's tent in preference to yourself or Mr. Flinn? I do not. Is it customary for a sentinel to sleep on his watch? No. On board what ships have you served? Many. Name the ships and the captains? The Albion, Captain Manby; Lively, Captain Hamerton; St. Hawes, Captain Foote; Lavinia, Lord W. Stewart; and Undaunted, Captain Usher.

LORD DARLINGTON.—You said there was no mystery or concealment whatever in Bergami's sleeping under the tent with her Royal Highness on board the *Polacca*; on other occasions, was there any mystery as to where Bergami and her Royal Highness slept? None whatever. No suspicions were ever entertained by you in consequence of the relative situation of the sleeping places, and the conduct of Bergami towards her Royal Highness? None. Why did you not entertain any suspicions from such circumstances? From the familiarity between Bergami and the Marquis Deslang, who recommended Bergami to her Royal Highness, and from his general commendation and character, I did not suspect any thing like improper familiarity. You were well acquainted with Lieutenant Flinn? Yes. Do you believe him to be a man of honour and veracity? Yes, I do. Do you believe him to be a man to be believed on his oath? I believe Lieutenant Flinn to be a perfect man of honour.

LORD DE DUNSTANVILLE.—You said, that sometimes during the voyage from Jaffa, Lieutenant Flinn slept on deck; do you not think that when Lieutenant Flinn slept there that her Royal Highness was sufficiently protected? Yes, but he only slept on deck occasionally. If Lieutenant Flinn had slept on the deck during the whole voyage from Jaffa, would it have been necessary for a person to have slept in the tent with her Royal Highness? There might have been many reasons, accidents might have happened to the tent, the sea might have broke over the ship, and twenty other things might have happened. Is that your answer to my question? Yes, it is. You have said at night you went up to the tent by the hatchway, and that finding the tent closed you returned, and yet you say you thought it decent for Bergami to sleep in the tent with her Royal Highness when it was closed. How can you reconcile this with your returning to the cabin. I went, up and found it closed, and returned back as I did not know the tent was closed when I left the cabin. When you went up did you know the tent was closed? No.

LORD GROSVENOR.—Do you know from any circumstances that occurred to her Royal Highness at Genoa, the attack made on her residence, from your calling out Ompteda, or from any other circumstance, that she had any apprehension for her personal safety? She had, because she mentioned it to me. Did she, in consequence of such apprehension, wish to be more constantly attended by the male part of her attendants? She did. I have heard her Royal Highness say, that it was necessary she should have some person constantly near her.

THE MARQUIS OF BOWNSHIRE.—Where did Maurice Credi live,

and whose servant was he? The servant of her Royal Highness the Princess of Wales. Was it in consequence of any thing he said to her Royal Highness you called out Baron Ompteda. Yes, it was. Did Majocchi ever mention Ompteda's name? I recollect telling Majocchi at Rome, that her Royal Highness desired none of the servants should molest him, or offer him any insult when they met him? I never had any conversation with the lower servants of the house. Majocchi never mentioned Ompteda's name to you? I do not know. When you saw Bergami walking arm and arm with her Royal Highness, was any other person in company? I do not recollect any one particular time that they were walking arm in arm in the garden. Did you ever see them walking so when Bergami was a courier? I do not recollect having seen them.

Lord HOOD. Did the Baron Ompteda dine at the Princess's table at Milan? I think he did. And at Como? Yes. And at the Villa Villani? He did. And did Majocchi wait at table on these occasions? He did.

The Duke of ARROL.—You have said there was no mystery in the tent and Bergami sleeping there, and yet one night you said when you were going up the hatchway you found the tent closed; was there any mystery in that? The tent being closed, her Royal Highness had retired to rest; I did not think there was any mystery in that. Was Bergami there at that time? I do not know. Was he not in the tent? I do not know. You have said Bergami did sleep in that tent? (Cries of no, no) Have you reason to think Bergami was not in the tent at the time you went there, on the night alluded to, when the tent was closed? I never thought about it. Did you think it necessary that a male domestic should sleep within the tent? I never thought of the thing at all, and probably there had been nobody, I should have taken as little notice as when there was; I thought it necessary that somebody should be there. Was it for the Princess's safety, that you thought it necessary? Her Royal Highness thought so, and I did not think otherwise. What was the danger to be apprehended on board the polacca? I do not know of any immediate danger. Was there any danger sufficient to induce you to recommend a male attendant sleeping in the tent? I never did recommend it.

Lord DARLINGTON.—When the parties took leave of her Royal Highness on board the polacca, you say they kissed her hand; do you know whether Bergami took leave before he came on deck? I do not know. Did the three persons come on deck together? I believe they were all upon deck, Bergami, Theodore, and Cameron. When the Princess was in the tent, did she lay upon the sofa to repose, or do you think she went regularly to bed with her clothes off? I do not believe she ever took her clothes off on any occasion in the tent, except to shift her dress during the day; I mean on the return from Jaffa, on the outward voyage she slept in the cabin, and that is my firm belief.

Lord COMMERERE.—Would not you, or Mr. Flynn, or any sea-faring person, do better to protect her Majesty from any accidents

that might occur by the rolling of the ship, or the breaking of the sea; if that was the only cause for her protection he certainly would.

LORD DOWNSMIRE—You have said Bergami was in your belief under the tent? I never saw him there. Do you believe that Bergami rather inclined for repose on the travelling bed, in the same manner as the Princess did on the sofa? I do not believe that Bergami ever took his clothes off when he was in the tent; for I never saw any clothes on that bed. Where did her Royal Highness change her clothes on the voyage from Jaffa? I believe in the cabin; I never saw her change her clothes on deck (Laughing.) Did you ever see her change her clothes any where? No. Did you ever see Mahomet perform a dance at the Villa d'Este? Yes, I was in her Royal Highness's room, having something to do, and heard a noise in the court-yard, and looked through the window, and saw him dancing. Where was Majocchi at that time? I do not know, all the servants were in the court-yard. Was any other person in her Royal Highness's room besides yourself? I think not. Did you think that there was any indecency in the dance you mention? Not in the least. When did you see Captain Briggs before you were examined here? Two months ago, at Portsmouth. What did you go to Portsmouth for? I heard he was coming to give evidence against the Queen; I could not believe it, and I went to him to ask him. What did you say to Captain Briggs? I asked him if it was a fact that he was coming. He said that he believed he should be called, but he should give his evidence with honor and justice. Did any conversation pass between you on the subject of this inquiry? No; Captain Briggs declined entering into any conversation on the subject. Was the tent closed in the day time on the deck? Yes, I have closed it when her Royal Highness has fallen asleep in the day time, to keep the sun off her. Was any body besides her Royal Highness under the tent when it was closed? I never saw any one. What was the latest hour you ever passed through the dining-room to go upon deck? About ten or half-past ten. Did you ever enter the dining-room after you knew the tent was closed? I never entered the dining-room after the tent was closed. Then between ten o'clock at night and nine in the morning had you an opportunity of knowing whether the hatchway was closed or shut? I was in bed and asleep at the time, but I believe it was always open at night. Do you know the hatchway was always open? I have always seen the doors of the dining-room open, and as I have stated before, I run up in a late hour and found it open, and I never knew it to be shut at all. Who slept in the dining-room on the voyage to Syracuse? I do not know. I have seen a bed there rolled up in the day time, but do not know who slept there. Where did Majocchi sleep? In the hold I believe. Did you ever see the tent completely closed in the day-time? Never. Would any person have sworn a falsehood, if he had sworn the tent was completely closed in the day-time? I cannot say that; I never saw it; and cannot say what others saw.

LORD MANSFIELD—Did you write your own challenge to Baron Compteda? Yes. In what language? English.

Lord GROSVENOR.—You say that her Royal Highness's favours to Bergami, arose from proper, and not improper motives; do you know a good reason why Bergami's wife was not introduced into her family, when her Royal Highness admitted the more distant relations of Bergami—his brother, mother, sisters and child?

Question objected to.

Mr. Brougham.—There is no evidence that the child was the daughter of Bergami's wife.

Did not her Royal Highness on the voyage from Syracuse express great impatience to get on shore, as her legs was very much swelled in consequence of her not having been in bed during the voyage? I remember that she did. Do you know that her Royal Highness's legs were swelled? I never saw her Royal Highness's legs.

Lord LAUDERDALE.—Do you mean that her Royal Highness told you her legs were swelled? Yes, she did; and she complained of the long time she had been on board, near forty days, and of her excessive fatigue; she said her legs were excessively swelled. Have you read the evidence in the newspapers given in this case? I have not read the evidence which I have given myself. Are you a Knight of the Order of St. Caroline? I am. Have you a diploma as such? Yes. Can you produce it? I can. You said you arrived at Trieste at noon, and you quitted it next evening between six and seven? I said between five and six. You have said at Bellen Zona, Bergami first dined with her Royal Highness; did he come into the room with her Royal Highness, or after? Afterwards, and her Royal Highness asked him to sit down. Where did Bergami sit, was it, on the side of her Royal Highness? I do not know. Did you see Bergami, Louis Bergami, the Countess his sister, his mother, and his nephews, at her Royal Highness's table? I never saw her nephews; I have seen the rest. Have you seen Bergami's wife there? I never saw Bergami's wife in my life. Recollecting you have dined at her Royal Highness's table, when Bergami has waited, and also that you have sworn that Bergami, to the best of your belief, slept under the tent with her Royal Highness from Syracuse to Capo Danza, do you now mean to say that her Royal Highness's conduct was never improper, indecorous, or indecent? I had no greater claim to sit at her table than Bergami and his brother had; I have seen persons sitting at her Royal Highness's table whose fathers have waited at her table, and knowing the affable way her Royal Highness treated every person in her family, I will venture to say, that I never saw any conduct of her Royal Highness that was at all improper or indecorous, nor did I conceive that Bergami's being under the tent could be construed into any thing criminal. Do you think a courier, and a Lieutenant in his Majesty's navy, equally entitled to sit at her Majesty's table? If her Majesty did a person of inferior rank the honor to command him to sit down with her, I think a person of higher rank than a Lieutenant would not degrade himself by dining with such a person.

Lord CALTHORPE.—Do you recollect when the tent was partially closed, and her Royal Highness was in it, do you remember having seen Bergami? I never recollect it being closed, except when her

Royal Highness had fallen asleep. Did you ever see Bergami on those occasions? No. You said when the sea broke into the tent you saw no light? I never said so. When you saw her Royal Highness looking through the window at the Villa d'Este, and saw Mahomet dancing, do you believe that a woman of virtue or common purity of mind could look upon the dance without disgust? The dance was not more disgusting than the common Spanish bolero. Did you ever hear of any spies being employed to watch her Royal Highness's conduct, or do you know whether they were of your own knowledge? Only from the confession of Maurice Credi. Do you know if the duchess of Colonja dined with her Royal Highness? Yes. What was the dress of a courier which was worn by Bergami? Green and gold turned up with scarlet. Was it like a hussar's dress? Not exactly. Was it a rich dress? Very.

Lord BALCARRAS—On the occasion of the swell of the sea, were the female attendants with Her Royal Highness? They were unwell and required as much attendance as her Royal Highness. Was it indispensibly necessary to have a male attendant with her Royal Highness by night as well as by day? I conceive it was proper her Royal Highness should have a person to attend upon her to give her any thing she might want.

Lord LANDSDOWN—Were the hatches closed when the sea broke in? Yes.

NINETEENTH WITNESS.

GRENVILLE SHARPE, Esq. *examined by Mr. DENMAN.*

What situations have you been in? In the East India service, and in the army. Have you been in the East Indies? Yes, ten years. When did you return? Two years ago. Did you ever see the Moorish dance there, called Dimar, Dimar? Yes. Was that accompanied by any expressions? Yes. What were they? Different unmeaning sounds. Is there any thing indecent in that dance unfit for women to witness? Certainly not. Where are the hands held in that dance? Thrown about the head. Are the knees bent, and is there a courtsey in the course of the dance? Yes. And the unmeaning sounds are a kind of tune for the dances? Yes. Where have you seen this? At Calcutta, in the Government House. Who was Governor at that time? The Marquis of Hastings. Was he present at the time? Yes. And the Marchioness? Yes. And other ladies? Yes. Was the Bishop of Calcutta present?—(a laugh.)—Yes. And his Lady? Yes. Was there any thing indecent in it? Certainly not.

TWENTIETH WITNESS.

Cross-examined by Mr. PARKE.

Are any other dances danced in the East Indies? Yes, some are quicker, but are all in the same style. How many persons dance the dance you speak of? One. are there any other dances, at which ladies are not present? I believe not.

SANTENU LOGIANI, (*an Italian*), *examined by Mr. DENMAN.*

Were you ever in the service of her Royal Highness the Princess of Wales? I have been. In what capacity? As factor. What

were your duties in that situation? To keep the watch over the working people, and to keep the accounts, to pay them on Saturday night. Where was this? At the Villa d'Este, in the gardens, vineyards, &c. How long did you continue to perform that duty? When I was eighteen years old I took the office of factor. Do you know Luigi Galvini? I do. What is he? He is a mason by trade. Did you ever employ him? Yes. Do you remember the grotto at the Villa d'Este? Yes. Do you remember there being then two statues at the Villa d'Este, of Adam and Eve? Yes, I do. Did they stand in the grotto? Yes. In what room of the grotto? In the first rotunda. Was there any other rotunda? Yes, there were two more. Was any cornice made in that rotunda? No. Was there any scaffolding erected, or any work done in that rotunda where the statues stood? No. Was there any cornice made in the other rotundas? There was. In one or both? In one alone. Describe the passage of communication, from the room in which were the statues, to that where the cornice was put up? I want some paper.

(Paper was then given to the witness, and he drew the plan of the communication, which was shewn to the Counsel, and explained by the witness.)

The interpreter here said that the drawing represented the room where the statue was, and that in which the cornice was put up.

Could the persons at the work in the Rotunda where the cornice was put see the statues in the other room? No, they could not. Why? Because the passage is crooked, and prevents the sight. Did the statues of Adam and Eve ever stand in any other room of the grotto? No, they did not. When were the statues removed from that rotunda? Before the return of her Royal Highness. Return from where? From her journey in Turkey. To what room were they removed? In one of the mosaic rooms, which was newly built in the palace. Had these mosaic rooms been finished completely before her Royal Highness returned from the long voyage? They were. And the scaffolding taken away? Yes. How long were these removed before the Princess's return? About eight or ten days before her arrival.

Cross-examined by Mr. PARKE.

How long were you in the service of her Royal Highness? From the day she bought the villa till she left. I was born at the Villa d'Este. Were the figures of Adam and Eve in the grotto? They were. In the room you have described? Yes. In the largest room in the grotto? I will not say the largest, because the square rooms are somewhat greater than the others; the exact dimensions I do not know. How many rooms were there in the grotto? Six, comprising the round and square rooms. Were they all on the same story? They were not. Were they one above another? When a person mounts the stairs, then comes a landing and some more steps, and another level; in some places the steps were few, and in others many. How high was one part of the grotto above the other? The first room was as high as eleven steps from the rotunda to the room above.

For what purposes were the different rooms of the grotto applied? For no purpose but for seeing a subterraneous place. Did you come with any witness here? Yes, I did. How many? Fourteen. Did they pay their own expences and come of their own accord? We are paid by the order of the Chevalier Vassali; I paid for the victuals of all the fourteen whom I brought. How many people did you apply to, to become witnesses for the Queen. Did you apply to any? To no one. When did you set out to come with these witnesses? A month ago, on the 10th of September. Were you examined before you came? Yes, I was. Where was it? At Milan. By whom? By the advocate Potadzi, and an Englishman called Henri. Did you give the same account to them as you have given to-day? All that was proved I have said. What was it you were not interrogated about at Milan? Many things that I have been asked here I was not asked there. What are you to have for coming here? Fifty Napoleons of twenty francs each for all the fifteen. How much have you received? I have received nothing. Are you to receive any thing? I asked for nothing; but if her Royal Highness will make me a present, I will receive it. I am come here to tell the truth. Have you been promised no money? No. Do you not expect to receive money? I swear that I do not claim money, but if they should give it to me, I will not refuse it.

LORD GROSVENOR.—Were there any other columns than you have described. Yes. Where were they? There is one between the two windows in the third room. Were there any pillars or pilasters in the grotto, from which it was possible for a person to see the statues? No, there was no column from which a person could see Adam and Eve.

LORD BLENKINGTON.—Had those statues any fig-leaves round them. There was a vine leaf painted green and made of tin. Was there a wire fastened to the vine leaf? There was brass wire. Was the vine leaf moveable by the wire? Yes. Had both of the statues leaves and wires? Yes. When they were removed into the Mosaic room did the vine leaves remain on? Yes. Did you make the plan you drew before you came into the house from memory? Yes.

TWENTY-FIRST WITNESS.

GIUSEPPI GIURILINI Examined by Mr. WILLIAMS.

From what country are you? From Milan. What is your business? I am a master mason. Were you ever employed by the Princess of Wales in the Villa d'Este? I was. Do you know a person named Raggazoni? I do. Was he a mason or a labourer? A day labourer. Was he under your employment at the Villa d'Este? No, I employed seven others. Do you know the grotto at the Villa d'Este.—Yes. Do you remember work being done at the Villa d'Este? Yes. Was it in the grotto that you employed the men to work? Yes. Was there any cornice work done in the room where the statues of Adam and Eve were? No, in another octagonal room which I built; they worked in no other room. Was there

any scaffolding put up in that room? Yes, there was. Was there scaffolding put up in any other rooms except the octangular and the square rooms? No. Did the square room join the octangular room? Yes. Which of the two rooms, the square room or the octangular room was nearest the statues? The octangular room was nearest that in which the statues stood. From the place where the scaffolding was put up to do the rooms, was it possible for any one to see the statues of Adam and Eve? In no way could they be seen from that place, because the passage was winding. Describe the rooms? First, there was the room where the statues were, then another room, and then the octangular room. Was the passage, to which you have recently alluded, the winding passage of which you have spoken? Yes, it was a winding passage, and there were steps in it. Do you know a person of the name of Rastelli? I do. What is his other name? Juseppi. I know of no other name that he has. Do you know whether he is in England—have you seen him? No. Did you see him at Milan any time before you came to England? Yes, a considerable time before.

The House then adjourned.

THIRTY-FIRST DAY.—OCTOBER 12.

Examination of JUSEPPI GIURLINI resumed by Mr. WILLIAMS.

You said yesterday you were employed as a builder at the Villa d'Este? Yes, as head-master. Were you paid as you went along, or was there a bill run up? Before her Royal Highness set out for the long journey I was paid regularly; after her departure, she entered into a contract of 75,000 livres. I continued the work under the direction of Ratii, the architect, who made me build several other things. They made a great deal more work, and the sum amounted to 145,500 livres. Did you see Rastelli when that sum of money was owing to you? Yes. Do you remember his mentioning any thing to you about that bill? He asked me what was my claim against her Royal Highness, and I said, that deducting what I had received, there remained 45,500 livres due to me. Was any thing said about the manner of getting that bill paid? There was. What was it?

(Here the SOLICITOR GENERAL said that this conversation could not be given in evidence.)

The LORD CHANCELLOR said, that if it referred to Rastelli's offer of money to the witness to come over and give evidence, the conversation might be entered into, as Rastelli had sworn that he did not offer money, and it was competent to the Queen's Counsel to contradict that testimony.

Did Rastelli offer you any money for coming here? He said if my account had not been liquidated, to give it to him, and he would contrive to see me paid. What did he say you were to do for that?

He told me to give my account to him, for the English were at Milan, and he would see me paid. Did he say what you were to do to get that bill paid. He told me, that if I had any thing to say against her Royal Highness, as I had been a long time in her service to tell it to him and he would endeavour to see me paid. At the same time, or any other, had you any further occasion with Rastelli, as to what Rastelli was doing about witnesses ?

This question was objected to by the Solicitor-General.

Mr. WILLIAMS contended, that as Rastelli was an Agent generally to the Commission, (p. 109) in answer to the question, " Were you not an Agent," he said, " I was not an Agent. They gave me orders as a Courier—as a Courier I have travelled." Mr. W. said, that as Rastelli had denied that he was an Agent, it was perfectly competent to call witnesses to contradict this statement made by Rastelli; and they wished to prove that this Rastelli had endeavoured to procure evidence against the Queen, by offering sums of money to witnesses to induce them to do so. Mr. Williams then referred to page 234, and said there would be there found facts of the particular agency of this Rastelli in collecting and sending witnesses before the Milan Commission.

Mr. BROUGHAM said, that their Lordships had admitted the contradiction of one part of Rastelli's evidence, and, therefore, they might surely be allowed to contradict that part of his evidence, page 415, where he denied that he had acted as an Agent to the Commission at Milan. The evidence of the persons who had been applied to by Rastelli could not now be had, because they were not properly apprized in time, that Rastelli would be called; if they had not been in ignorance, not only of the name of Rastelli, but the charges which he had to prove, they would have been able to produce at their Lordship's bar, the persons to whom Rastelli had offered money.

The SOLICITOR GENERAL said, that his learned friends, on the other side contended for a right to bring evidence, as to the declarations which might have been made by the witness Rastelli on the subject of the Milan Commission. He begged leave to suggest to their Lordships, that his learned friends had no legal right to this course of examination, and for the plain reason, that the right to follow it could only arise out of some question put by them to the witness Rastelli, in the cross-examination, as to whether he had ever made any of the declarations, which they were now desirous of imputing to him.

LORD ERSKINE declared, that the whole of this dark proceeding before the Milan Commission ought to be thoroughly investigated; that it was evident Rastelli was an agent of the Milan Commission; his admissions proved him to be a direct agent. How could agency be more satisfactorily proved than by the answer Rastelli gave, when he was asked if he was not employed to bring certain witnesses before the Commission; he answered, " Yes, I went by the direction of the Milan Commission, as courier." Rastelli was then asked, " What did you say to them?" He replied, " He told them that Vilmercati

and others at Milan, wished to see them, and that their expenses would be paid, but he offered them no money." Was it now to be said that the declarations of this agent could not legally be given in evidence? He (Lord Erskine) should not be satisfied if they were not, and if Powell and Cooke, and the other members of the Milan Commission, were not examined before that tribunal. It was due to that House and to the Country that nothing should be concealed in this dark and mysterious transaction. It should be dragged to light and exposed, so that the secret springs of it might be clearly known to their Lordships. With respect to the course of examination which his Learned Friends desired to enter into, he begged leave to remind their Lordships, that this was not a common case, as those in his days, which rarely extended beyond the duties of one day; and it was highly fitting, that every facility should be afforded for the purpose of eliciting the truth, and enabling their Lordships to weigh the evidence and decide impartially. Their Lordships might easily get rid of the difficulty now before them, if they would follow the same course as they had done with Majocchi, who was called up again and cross-examined, in order to enable the Counsel for the defence to call witnesses to contradict him upon his own cross-examination. Rastelli, therefore, should be called, up and asked the questions necessary, to enable the witness Guirelini to contradict him, if Rastelli should swear that which Guirelini knew to be a falsehood.

The Earl of LIVERPOOL rose to say, in reference to what the Noble Lord (Erskine) had said about the Milan Commission, that he was anxious that all the persons forming that Commission should be called to the bar, to state what had been their conduct, so that the whole history of the Commission might be gone into.

The Lord CHANCELLOR said, no man pretending the least regard to justice, could wish the parties to that Commission any other than a full opportunity of explaining their conduct; and he fully concurred in the suggestion of the Noble Earl (Liverpool) who had preceded him, with respect to the point now at issue, although he would be the last man in the world to give an opinion upon any evidence offered at their Bar, until the case was finally closed; yet, he would say, that if any part of the evidence of Rastelli could be disproved, it would be important for their Lordships to judge how much credit might be attached to what he had stated, and which had not been disproved. He would not say, that all that Rastelli swore, when corroborated by other evidence, was to be disbelieved, merely because he might have sworn falsely upon one point, but it would be important to ascertain whether he had sworn falsely at all, as that might go a great way to impeach his other testimony. His Lordship then read over some of the evidence the witness Rastelli had given.—“How soon after Vilmercati saw you, did you go before the Milan Commission?”—“three or four days,” was his answer; it was therefore clear to their Lordships that Rastelli understood, of the existence of the Milan Commission. The witness was not asked if he was an agent of the Commission? but he was asked if he was the most active agent of

the Commission? He replied, "I was not, I had orders as a courier, I was employed as a courier." Then he was asked "if he was employed as a courier?" He answered, "I was sometimes; they employed me as a courier sometimes." He was then asked, "did you not offer Credi money to go before the Commission?" He answered, "No, I only told him that he was wanted to go before Vilmercati and Mr. Cooke at Milan." The Noble and Learned Lord paid a high eulogium to the character of Mr. Cooke one of the Milan Commission? his Lordship appeared to be greatly affected, when he declared "that he had known Mr. Cooke nearly half a century, and he would boldly venture to assert that a more honourable man, and a better private character did not exist." His Lordship then read further extracts from Rastelli's evidence, in which Rastelli said, that he had travelled with Mr. Cook, and with dispatches to Lord Stewart; and afterwards he denied that he offered any person money to go before the Commission. His Lordship said, that if Rastelli was called back and asked if he had had a conversation with the witness at the bar, or with other persons, as to his offering them advantages or inducements to give evidence against the Queen, or if he had made declarations of having done so to the witness at the bar, then the witness could be afterwards legally examined to these facts.

LORD CARNARVON—My Lords, it is necessary that the whole and every branch of this vile proceeding should be completely investigated. I do say, a more disgraceful, odious, and abominable proceeding was never instituted by the most wicked and foolish men in the annals of history. It would be to the honour of the House and country, to get rid of this measure as soon as possible; it hangs like a mill stone round the neck of the country. If your Lordships pursue it further, it will be to the imminent danger of yourselves and the state. If the men who commenced this monstrous measure have so entangled themselves in it that they cannot shake it off, it behoves the House to put an end to it. What, my Lords, after bribery has been established, will you still go on with this proceeding? No, I pray your Lordships, put an end to it at once.

LORD DONOUGHMORE could not think what it was that had called up such feelings in the mind of his Hon. Friend. He never heard such a speech in that House upon any occasion. It contained these inflammatory topics in the abstract, which had been urged with such violence, not in, but out of the House.

LORD CARNARVON rose to explain. He could not, upon such an important occasion, disguise his feelings; it would have been criminal in him to have done it. Clear evidence had been given at the bar of bribery, against one of the agents of the Milan Commission, and that being done, he called upon their Lordships to put a stop to the proceedings. The Noble Lord (Donoughmore) had said, that on no occasion in that House, had he ever heard such a speech; he called upon the Noble Lord, to say, if ever he witnessed such an occasion, or read of such a proceeding, and then he might condemn the speech. He again repeated, that for the honour and safety of

the country, and in justice to the accused, the proceedings ought to be stopped.

Mr. GURNEY, the short-hand writer, then read the question objected to, by order of the Lord Chancellor, which was then allowed to be put to the witness. He answered as follows;—

The first time that I had a conversation with Rastelli I was coming from the State of the Pope, and I had also a conversation with him at an inn, and at other places we talked upon this subject, and had other discourses; and another day we were coming out of the custom-house at Porto Lazo; and on another occasion I was coming out of the bulkark at Milan, and we were then talking about witnesses; he told me that when he wanted evidence against her Royal Highness, he himself went to one witness, and that witness asked a second, and the second asked a third, and then they all met together and dined; and he (Rastelli and the witnesses) went altogether to the Inn of St. Clement, and Rastelli told the inn-keeper that he should settle for their victuals, &c. and after that, he took them one by one before the English who were at Milan.

Did Rastelli say any thing about having paid any money? He told me that he had kept the witnesses at an inn seven days, and had paid them forty francs each. What other money did he say he paid for expences? He told me that he paid to all the people he brought from my country forty francs, but to Ragazzoni he gave fifty francs; and he gave fifty francs to Bruza. Did he say that he gave money to any one else? Yes, he said he gave 40 francs to Paoli Ragazzoni, 40 francs to Rotzzi, and I think 40 francs to Francisco Cobagi and Ambronza Racconi, of Leghorn, had also had 40 francs. At the time they had this money, had they any thing paid them for expences? Not for expences; Rastelli said he hired a chaise to take all the witnesses, and paid the postage himself. Did Rastelli say who paid the expences of these persons at this inn? He said he paid them the 40 francs, and then paid the inn-keeper besides, and gave the witness 40 francs clear.

Cross-examined by the SOLICITOR GENERAL.

Where did these witnesses come from to Milan? From Gatzoni to my country, and from thence to Milan. How many miles did they travel? Twenty-eight miles. Where did Ragazzoni go from? Rastelli came to my country, and sent Bruza to fetch Ragazzoni from Dario, which is four miles on the other side of Milan. Did all the witnesses go from Gatzoni to Milan? Yes. How long were the witnesses going to Milan? Two days. How long were they returning? They returned as they liked. How far is one extremity of the grotto you spoke of yesterday to the other, forty or fifty feet? I do not know positively; I have been in it every day, but do not know the number of feet. Who is to pay you? Vassalli. Where you met Vassalli were other witnesses there making agreements? No. Vassalli was even not present when I was making the writing; he has not the slightest concern in it, except to see that I am paid. Has the bill, due to you from her Royal Highness, been paid? She has

paid me entirely. When was it paid? I was paid part in the end of January, and part in March or April, 1819. Was it paid to you after the meeting of witnesses of which you have spoken? When I spoke to Rastelli about it, I had not been paid. How long after was it? When Rastelli began to talk to me I told him I had already received the money which was paid in January, and I said, in a short time I should be paid entirely. How long after this did you receive the rest of the money? I have talked of the month of March when I was still in advance of part of my account. How long is it since the last payment was made by her Royal Highness? The end of April, or the beginning of May. In this year? In the year 1819. Will you swear that besides that agreement of 2100 francs, you have not entered into an agreement with any person or persons to receive any further sum of money? Another sum to receive five or six francs for the family at home; but I have made no writing; the agreement was made by my son. Are you to have any other benefit or advantage for coming here? The advantage of sending me back to my country, that is all. Has Racchi been employed to take plans at the Villa d'Este for this proceeding? One day we went together to take the plan of the house. Was a plan also taken of the Villa Vellani? I do not know. Do you know of any other plan being made, besides that of the Villa d'Este? Not the whole. Do you know of any other? I rather think I have seen another. In the room where the statues were, were there not two doors? Yes.

Re-examined by Mr. WILLIAMS.

How many men had you in your employ? Thirty bricklayers, and thirty-four or thirty-five helpers; now, perhaps, I have none. What was the name of the English gentleman you talked with about coming over? I do not know, I do not recollect him, he was a tall man. Was his name Henri? Yes. When you talked about coming here, was any mention made about your expences? Nothing. I had been speaking with the architect upon this affair, not with him. What did the architect fix as a sum when you spoke to him on the subject? I asked him his opinion, and I told him all my difficulties, because the Englishman wished to know exactly, being a man of conscience. Did you tell the Englishman the sum the architect had fixed? Yes. Who told you that Vassali was to pay you? The architect Racchi.

LORD ELLENBOROUGH.—Do you recollect any pilaster near the statues? There are some steps, a pillar, a column, the pillars one after the other. Was the pillar of which you have spoken near the door at which you entered from the garden, or near the other rooms? It was near the entrance; as you go on you find the room with the pilasters.

LORD DELAWARE.—Could a person behind the pilaster see the statues? No, I believe it impossible.

LORD GROSVENOR.—Was the passage you spoke of a winding or a straight one? If a person goes forward he breaks his neck; the steps are undulatory, but the passage is straight.

LORD DE DUNSTANVILLE.—You have said certain witnesses were paid 50 francs each, and they were seven days at Milan; had they 50 francs daily, or for all the time? Once only.

LORD LAUDERDALE.—What was the last payment you received from her Royal Highness the Princess of Wales? The half of the 45,000 francs which she owed me. When did you receive the other half? It was received for me by M. Long. What was the largest sum her Royal Highness ever owed you? 45,090 francs, but with the interest it was 45,900 francs. Did you ever receive from her Royal Highness the 100,000 francs? Yes. What was the reason the 45,900 francs was not paid you? I was in the habit of receiving my money every month and six weeks, not altogether. Has the witness been at the Villa d'Este? Before I was always at the Villa d'Este, because it belonged to General Pino, and when the Princess had it I went. Have you been in the Villa d'Este while it is in the present possession? Her Royal Highness had some painting done. What painting was it? The ceiling was painted with flowers. What else was painted on the ceiling? It was a ruin picture. Do you recollect the bath at the Villa d'Este?

MR. BROUGHAM objected to this question, in the Attorney-General's opening, no mention had been made of the bath.

LORD LAUDERDALE persisted in the question.

THE LORD CHANCELLOR opposed it.

LORD DARNLEY opposed the question; he had heard much about dignity and decency, and he could not help observing that some noble Lords, he would not name them, who made such professions, he could not help saying did not evince at all a spirit of impartiality.

LORD REDESDALE said such language as that of the last speaker was not to be borne, it was improper to impute partiality to one side of the House, when it was more general on the other.

LORD HOLLAND said, the Noble Lord had called the former speaker to order for imputing motives to individuals, when he had imputed motives of partiality, not to one side of the House, such was the way the Noble Lord endeavoured to rescue the House from such charges, and yet he made the charges more general, for he insisted that partiality was not confined to one side of the House—(laughing.) He would say, a few words upon the public prosecutor in this case, he knew of no prosecutor except the House of Lords, and one feature in this most extraordinary, anomalous, and he would say, scandalous proceeding, was, that the House of Lords was the prosecutor, the House of Lords the Judges, and the House of Lords was the Jury.

LORD DARNLEY explained.

MR. WILLIAMS wished to put a few questions on re-examination to the witness.—Were the pilasters on the side of the grotto the men worked, or on the opposite side? On the opposite side. When you spoke of persons employed by you, did you confine yourself to persons employed at Milan or elsewhere? Some were at Milan and at other places. How many men had you at work at the Villa d'Este? Before the long journey there were 35 or 40 bricklayers, besides the helpers, and after I made the contract to do the other building, I had under me 200 or 300 workmen.

The examination of Juseppi Giurelini having concluded.—

Mr. BROUGHAM addressed their Lordships, and desired to know whether he could have access to the witness Rastelli. After a pause, Mr. Brougham repeated that he wished to call Rastelli as a witness.

The ATTORNEY-GENERAL conceived it to be an irregular proceeding. The witness was not now in London.

Mr. BROUGHAM wished to know if the witness were in the country that he might be sent for.

The ATTORNEY-GENERAL said that he had been sent as a courier to Milan, but that his return was shortly expected. He understood that the Counsel for the Queen had no further questions to put to the witnesses for the prosecution, but under apprehension, that he might be called, a messenger had been dispatched after him to procure his return to this country.

Mr. BROUGHAM was surprised at the answer of the Attorney-General. Their Lordships must be aware that he, (Mr. Brougham) knew nothing of the necessity of calling Rastelli again until the examination of the two last witnesses. One thing was clear, that either the parties themselves, or their active agents must have observed that in the cross-examination of Rastelli a foundation was laid for contradicting his evidence. It was the very last thing that should have been done to have sent this man out of the country as an agent of the Milan Commission.

The ATTORNEY-GENERAL explained the reason why Rastelli had been chosen to go to Milan. He had been the person who had brought the witnesses against her Royal Highness to this country, and it was thought proper as the friends of these witnesses expressed great anxiety regarding them, to send this man to assure them that they were safe.

Mr. BROUGHAM reminded their Lordships that if such proceedings were countenanced there was an end to all security; that those witnesses who had perjured themselves would be liable to the pains and penalties of such criminality.

Counsel were then ordered to withdraw.

Lord HOLLAND, with much warmth, rose to advocate the cause of justice, and to state that, in his opinion, the fact which had just come out at the Bar of their Lordships House, was monstrous. He could give it no other appellation.—(Hear, hear.)—From the evidence which had been adduced it certainly was probable that there had been perjury. It was asked what security there was to prevent the witness who had been already examined from leaving the country. The Noble Earl opposite, with every appearance of moderation and candour had risen in his place and declared it was difficult for Government to compel the witness to remain in the country, and had assured their Lordships, apparently in the most candid manner, that he would leave nothing undone, and would do every thing to secure the ends of justice. He (Lord Holland,) after this desertation, had heard many individuals in the metropolis give much commendation to the Noble Earl for the manliness of the declaration. But what was it that now appeared? That one of the men who had been

dragged to give evidence, and positively bribed to appear at their Lordships' Bar, and who having been examined had given the most revolting and disgusting testimony, had not withdrawn himself from the country, but actually had been sent out of it—(Hear.) He appealed to the conscience of their Lordships, to the feelings of the whole country whether this was an equitable proceeding—(Hear, hear.) The great character of the house was at stake, and every one of their Lordships would suffer under the odium and suspicion of the whole nation. Where were the witnesses in Cotton-Garden? Were they also sent out of the country? Had they also followed the man upon whom the greatest suspicion rested? Would their Lordships consent to be thus treated with impunity, and when they found afterwards that they had been betrayed after such a declaration, there was an end to all confidence. The whole character of the proceedings was tainted, and by this step the principal institution of the country would be placed in imminent danger. He earnestly entreated their Lordships that an early termination should be put to such disgraceful proceedings.

The Earl of LIVERPOOL said, that he had at least some claim on the indulgence of the House after the speech of the Noble Lord. He would ask their Lordships whether the attack was justified either by the circumstances, explained as they were, or by the character which he might be presumed to bear in the situation which he filled. He defied any person to state that in any part of his public or official conduct he had betrayed any one. The Noble Lord had at least given a most erroneous and inflammatory view of the circumstances. It was certainly the duty of those employed in this enquiry, to take care that the ends of justice should be satisfied, and he was ready to admit as broadly as any man, that it was their duty to secure these witnesses unto the conclusion of the proceedings. He was ready to admit, that having sent Rastelli out of the country, was conduct highly blameable in such a state of the proceedings. He (Lord Liverpool) must first acquit himself of any knowledge of the transaction; and he believed it was as unknown to the Attorney and Solicitor-General, as it was to himself or any other member of his Majesty's Government. He disclaimed the accusation, that this was a conspiracy to defeat the ends of justice. The real circumstance of the case he took to be these: that Rastelli had been employed as a courier of the Milan Commission, that he had been employed to bring over witnesses to this country, and some anxiety having been expressed by the friends of the witnesses for their safety, it was thought that no one could be fitter for the duty of informing them of the perfect safety of the witnesses than Rastelli himself. Under this idea he had been sent, but it was expected he would have returned long before this period. The motive was good and honourable, but it certainly was an error in judgment.

The Marquis of LANDSDOWNE said, that he admitted, as far as related to himself, the explanation of the Noble Earl—(hear.) Such an admission was no more than his high character deserved,

and he would say, that it required such a character to defend it. It was one of the additional calamities of proceedings of this nature, that such men as the Noble Earl should be under the necessity of exculpating himself. But while he acquitted the Noble Earl and the Government of any intention to defeat the ends of justice, their Lordships were at the same time bound to consider the effect of the proceeding upon the interest of the illustrious Personage at the bar of their Lordships' House. If the Agents of Government had betrayed them, was it fitting that the criminality of those despicable beings should be visited on her Majesty? It was the duty of the House to do all in its power to repair the defects.

The LORD CHANCELLOR was ready to admit that it was a most ill-judged proceeding, and he would go further and say, that it was impossible to repair the error. He saw no reason why the inquiry at this stage should be closed. When Rastelli appeared and was examined, then would be the fit time to call upon their Lordships to make all the allowances that could be made under the circumstances of the case.

The Earl of CARNARVON contended that the only remedy for the defect was, to put an end to the whole proceedings. If this course were not taken, their Lordships would subject themselves to the execration of every Englishman, and the contempt of all Europe. He was determined to take the sense of the House upon the question.

Lord ELLENBOROUGH thought it would be entirely contrary to all justice, utterly fatal to her Majesty's character, and most unsatisfactory to the country, if in this stage the proceedings were stopped.

Lord DARNLEY wished the question to be put to her Majesty's Counsel, whether a delay would be injurious to the interest of their client.

Earl GREY was satisfied, that according to the admission of the noble Lord on the Woolsack, substantial justice could not be done to her Majesty, because he had admitted that it was impossible to repair the defect. He should feel more satisfied if his Noble Friend (Earl Carnarvon) did not persist in his motion; but if it were pressed to a division, he should be reluctantly obliged to assent to the proposition. He acquitted the Earl of LIVERPOOL of any connexion with this ill-judged, and, he must say, iniquitous proceeding, which had done an irreparable injury to the Queen, if the object of it were to screen a perjured witness from justice.

The Earl of LIVERPOOL observed, that if he thought substantial justice could not be done to her Majesty, he agreed that the proceeding ought to be suspended altogether. He contended, however, that the view taken on the other side was completely erroneous; then the Queen would have the full benefit of the absence of Rastelli, if he did not appear, and that, with regard to the Queen's character, or to the satisfaction of the public mind, it would be impossible to stop the trial in its progress.

The Earl of LAUDERDALE, with considerable force, maintained that no greater injury could be done to the Queen, than stopping her defence when only half concluded.

The Earl of MORLEY entreated Lord Carnarvon not to press the House to a vote on this important question, while it was so unprepared.

Lord ALVANLEY asked the name of the individual who had sent Rastelli to Milan.

The Earl of LIVERPOOL replied, that it was Mr. Powell.—(Some cheering, and much confusion.)

The Earl of CARNARVON wished to be asked, whether the immediate attendance of Rastelli was important to the Queen's case. As to satisfying the public mind, he was sure that whenever the House determined to quash this proceeding, the nation would hail it with an unanimous declaim of joy and gratitude—(hear, hear, hear.)

Lord HOLLAND, at considerable length, went into the subject, maintaining that Ministers had been negligent of their duty in allowing Rastelli to go abroad; if the presence of that witness would serve to the Queen; because, in his absence, the House would not arrive at any such conclusion. If it were proved, their Lordships would throw out the Bill in a moment. (Cheers.)

Lord ENSKINE moved, that Counsel be called in, but

Earl GREY suggested, that Mr. Powell should first be examined at the Bar, that the House might ascertain what connection he had had with Rastelli, and why he had sent him to Italy.

The Lord CHANCELLOR observed, that it was now half past four but the House persevered in requiring Mr. Powell to appear.

Mr. JOHN ALLAN POWELL Examined by Earl GREY.

Were you employed under the Milan Commission? I was. Are you an agent in support of the Bill? I am assisting the Agents in support of the Bill. Were you present in this Court on the examination of Rastelli? I was. Is it true that you sent him to Italy? It was I, that recommended that Rastelli should be sent. To whom did you recommend it? At the Foreign Office. Was it at the Foreign Office then that you applied to have Rastelli sent on a foreign mission? As courier. Do you know who obtained passports for him? I do not. Did you not know, that by sending Rastelli out of the country, it would be impossible to examine him here upon the subject of his former evidence, should any necessity arise? My Lords, Rastelli was sent away on Thursday or Friday, after the adjournment of the House; and I conceived there would have been ample time afforded for his return before any such necessity should arrive. My instructions to Rastelli were specific. As far as I recollect, they were, that he should return here on or before the 1st of October. At the time that Rastelli went, I had a firm conviction, in my own mind, that he would so return. Whom did you see at the Foreign Office, to whom you made this representation? Either Mr. Planta or Lord Clanwilliam, I am not certain which, to whom I think I stated, that Ras-

telli was to be sent as courier to Italy. Did you state to the persons at the Foreign Office, whoever they might be, that Rastelli had been examined as a witness upon the Bill? I do not recollect to have made such a statement. Did you state who he was? I believe it was perfectly known who he was. Have you had any communication to enable you to state, whether it is probable that Rastelli will soon be in England? I have every reason to believe that he will, because positive directions were sent out that he should come over—every means were used to make him come. When were your directions sent? Two or three times. The last directions were most positive, and were sent on Saturday or Sunday. When was any answer received to the first directions? I learnt that Rastelli had been for some days confined to his bed by a fever, having been blooded and attended by a medical person.

By Lord ALVANLEY—Could not the families of the persons ill used at Dover have applied to Colonel Brown for intelligence? They could, and many of them did. He gave them the best assurance that he could, but they were not satisfied with it, as reports of serious injuries came from various quarters.

The witness went on to state, that if Rastelli refused to return he had no doubt but that Government abroad would compel him. To his knowledge no other witness had left England.

The examination of Mr. Powell having been closed, Lord Erskine moved, that the Earl of Carnarvon's question be put to the Counsel, but at the suggestion of the Lord Chancellor, who doubted its propriety, it was postponed till to-morrow morning, to which time the House adjourned at a quarter before five o'clock.

THIRTY-SECOND DAY—OCTOBER 14.

Lord CARNARVON rose to address the House. He said, that he should not press the motion which he had the honour of submitting yesterday, but withdraw it for the purpose of substituting another. Before he did so, however, he begged to ask the Noble Earl opposite, (Liverpool) whether he had, in consequence of the pledge which he had made to the House, that the witnesses should not be sent out of the country, given any instructions to that effect to the persons who were entrusted with the care of those witnesses.

Lord LIVERPOOL said, that he had given none but general instructions, for the Noble Lord must know very well, that he had no legal power to detain the witnesses in this country against their own inclination.

Lord CARNARVON asked, if any communication had been made by the Noble Earl in consequence of the pledge which he had given to the House.

Lord LIVERPOOL—Most undoubtedly, at the Foreign Office; when the person who applied for the passport went there, it was certainly understood by those who granted the passports, that the application had been made with the concurrence of the Law Officers.

Lord CARNARVON said, some person connected with the Foreign Office ought to be examined.

When ADAM POWELL was then called in.

Earl GREY said, that the Counsel on both sides ought to be present. They were accordingly called in.

Lord CARNARVON—Rastelli, you say, was sent to Milan on the Thursday after the adjournment of the House? Yes, it was on the 14th or 15th of September, I am not certain which. What time was it understood that he was to remain at Milan? I sent over papers by him to be made use of here again and therefore I expected him here previous to the 3d of October with those papers. Do you know that at or near the same time, any other persons who had been sent here as witnesses were sent back to Milan? Previous to that time one person had; but no person who had been examined. Was only one person sent back? I recollect only one person. You say one person went to Milan; did any witness go to any other part of Italy? Not to my knowledge. Subsequent to the return of that one person, was any other, who had been examined, sent home again? Not to my knowledge.

Lord LAUDERDALE said, that Mr. Powell ought not to be asked these questions, as he was an agent, and owed secrecy to his client, which he must violate if he answered these questions.

The Earl of LIVERPOOL said, that any witnesses who had been sent and had not been examined, might be sent back, and his belief was that several had been sent back.

Lord CARNARVON said, if he were disposed to make any complaint, it was, that the witness had ever been brought to this country; but if he could shew that 50 or 60 witnesses, who had not been examined, had been sent out to Italy, would the excuse given for sending away Rastelli be considered sufficient; for it was clear that those 50 or 60 persons could have informed the respectable witnesses in this country that they were in safety.

Lord ROSSLYN said, the question for the House to consider was, whether the grounds stated by Mr. Powell were sufficient for what he had done; and they were not to enter into any explanation, by which Mr. Powell would violate his duty to his client.

The LORD CHANCELLOR agreed.

Lord HOLLAND wished to know who was the principal—the Secret Committee, or the House of Lords; if the latter they had a right to put the question to their own agent.

The LORD CHANCELLOR—However popular may be the observation of the Noble Lord (Holland), yet I will say that the question ought not to be put.

Lord DARNLEY said, that if the witnesses had been sent back they would have communicated all the information which Rastelli was sent with, and have saved that expence.

Lord DARNLEY said, the coarse mirth of the Noble Lord (Rede-
dale, who was laughing) was not to be endured.

Lord BRIDGES said, that the Noble Lord had yesterday indulged in very coarse mirth at his expence.

Lord LIVERPOOL called to order and said, it had nothing to do with the question. The question was, "Had any unexamined witness been sent back, and he said, yes; and he felt that he was quite right in having permitted them to return."

The Marquis of LANSDOWNE did not deny the right of sending back unexamined witnesses, but he contended that the House had a right to be put in possession of every possible information.

Lord AUCLAND contended, that the question propounded to Mr. Powell was perfectly legal.

The Lord CHANCELLOR said, that Mr. Powell, as the agent for the prosecution, was protected by his situation, and could not be called upon to divulge the secrets of his client; the general principle of law protected him.

After a few words from Lord ELLENBOROUGH, Mr. Powell was called in, and the two last questions and answers which he gave, were read.

He was then asked to say, if witnesses had not been sent away to his knowledge and belief? I heard that two other witnesses were sent away who had not been examined. When you sent Rastelli away did you say, that the witnesses would soon be suffered to depart? Yes. Did you send any letters by Rastelli to Milan? Yes, to Col. Brown.

Lord LANSDOWNE—State what families reside at Milan, who are related to the witnesses now in Cotton-garden? Majocchi is one. Does his family live at Milan? I do not mean to say that all the families reside at Milan. Was Rastelli to go to other places than Milan, in various countries adjacent, to assure the families of the safety of their friends in England? Rastelli was to take letters from Cotton-garden; and those letters and his personal appearance I considered would be sufficient to assure the families in Italy that their friends were safe.

Lord ELLENBOROUGH—Did you send letters to Col. Brown by Rastelli, informing him of the nature of Rastelli's commission to Italy? I did. What were the instructions you gave to Rastelli? I directed him to be back by the 3d of October, or as soon after as possible. Why did you direct him to be back by that time, the 3d of October? Because, I thought I might want the papers he was to bring back, by the 3d of October. Then it was only in that view, and not with the expectation of his being wanted as a witness, that you desired his return? I did not conceive his return essential in any other light, as the Counsel for the prosecution had stated, that they had no further questions to put to the witnesses. Yet you are aware, that the House had expressed its opinion, and given instructions, that the witnesses should be forthcoming? I do not recollect that.

Here Earl GREY repeated the question? I certainly understood, that during the progress of the prosecution upon the Bill, the witnesses were to be kept in attendance. But you have heard it declared in the House that the witnesses should be taken care of? Yes.

And did you not know, therefore, when you sent Rastelli away that you were violating the instructions of the House? The circumstance certainly did not strike me at the time I sent Rastelli away. State whether, to your knowledge as an agent in this business, any of the witnesses here have families living at Milan? I do not know where their families live. Do you know then, with the exception of Majocchi, all the witnesses swore to where they lived in Italy? I do not remember particularly. Then you meant that Rastelli should have personal communication with those families? Yes. In how long a time do you suppose that Rastelli could go to Milan and back? In twelve days, by travelling day and night. Was that the least time? He might be a day or two more. What time then would he have for seeing the families, if he was to return on the 3d of October? He left England on the 14th of September, and allowing six days for his journey, he would be there on the 20th, and here on the 26th. Have any of the persons who were ill used at Dover returned to Italy? None to my knowledge, except Rastelli. Was there not a woman in the party? I understand that there was. Is she in England? I believe she is. Were any of those persons very ill used? Yes, and one has never recovered; he is deaf to this day.

By Lord KENYON—Did Rastelli bring over more than one set of witnesses to this country? I cannot recollect. Can you tell the names of those he brought? I do not recollect them. Can you by any means ascertain their names? Yes, upon referring.

Lord KING—Did you not know that you would loose all controul over Rastelli after he left this country? Yes, and I had not any controul over him when he was in this country.

Earl DARLINGTON—You say the witnesses are not under your controul—under whose controul are they? Under the controul of Government. And are not agents employed by Government? There are different persons residing in Cotton-garden, who have the superintendence. Have you never given any orders yourself, as to the witnesses in Cotton-garden? I have certainly ordered admission to persons who were desirous of seeing them; I have also ordered the exclusion of strangers.

Lord DERRY—You said you did not consider that Rastelli was under your controul; under what authority did you send Rastelli out of this country? Being a person assisting in the support of this Bill, I conceived that I had an implied authority to send him. Did you communicate to any other person about your sending Rastelli out of the country? I might have done so, but I cannot recollect that I did at this moment.

Lord WINCHESTER—Could he have left the country without your sending him? Yes, I conceive he might, if he thought proper; he was under no legal restraint at all.

Mr. BROUGHAM—Would your Lordships be so good as to ask this witness, who is his employer, who is the prosecutor in this case? (cries of hear!) My Lords, it is but justice towards the accused, that the accuser should be known. The witness refused to produce the correspondence, because he is protected as the agent of the pro-

secutor. Let us, my Lords, be made acquainted with this unknown accuser, let us see that there is such a thing in existence and then the excuse may avail the witness. But, my Lords, at present we do not know any thing of this creature, if creature it be, it had no local habitation, it may be a phantom, an "airy nothing." This unknown prosecutor may be a person of consequence, wearing a crown upon his head; he may be a shade; he may exist or not; he may be a person whose expressions and assertion which he has made relating to my illustrious client, ought to be brought before this House in evidence, to satisfy your Lordships of the justice or injustice of this proceeding.—Previous to Rastelli being sent out of England, how many witnesses, who had not been examined, were sent back to the north of Italy? None, I believe. Will you swear that to the best of your belief, no witnesses, who had been brought to this country, who had not been examined at all, had not been sent back at that time to the north of Italy? I cannot recollect.

LORD LAUDERDALE—What does the Counsel mean by "witnesses who had not been examined?"

MR BROUGHAM—I mean persons who were brought from Italy to give evidence for this Bill, who have been sent back without being examined? I have no recollection of witnesses having at that time been sent to the north of Italy. Will you swear that no person, at the time Rastelli was sent out of the country, had been previously sent out to the north of Italy. I mean Krous, the courier, or any other person else, who had acted as courier under the Milan commission? The Milan Commission ceased its functions in June, 1819, when I and Mr. Cooke arrived in England. I mean any courier who acted as such in relation to this proceeding? Yes, Krous was sent. Was he sent before Rastelli to the north of Italy? Yes. Were other couriers sent out? Yes. Did they receive the same instructions as Rastelli? I believe not. Why was not Krous instructed to go to the families? I do not know that Col. Brown would send Krous. Will you swear that Rastelli knew the residence or the families of any of the witnesses who were ill-used at Dover? I cannot swear. Do you not know, that Rastelli, in his evidence, swore that he did not know any of the witnesses that he brought over with him to Dover? I do not. Have you not read his evidence? No, I heard it given, and his answers will be found on the minutes.

Some of the evidence of Rastelli was now read, in which he swore, that he did not know the witnesses that he brought over; he knew nothing of them except by bringing them over to England.

Has not Rastelli been sent to some other place besides Milan? Yes, to Holland. How many witnesses are there now in Cotton-garden? I do not know. Are there forty? I do not know the number.

A PEER—You are in the habit of going into Cotton-garden. Yes. Do you give persons orders to be admitted? I have. And to be excluded? I ordered no strangers to be admitted to the witnesses.

Examined by the ATTORNEY GENERAL.

Were you in the House when Mr. Brougham said, he should not cross-examine any of the witnesses for the Bill again? Yes, I heard him say so.

LORD LAUDERDALE—Was Rastelli one of the persons ill-treated at Dover? I was informed he was, but I was not present to see. Were all the persons who arrived at Dover to give evidence against the Queen mal-treated? Yes, I believe they were all of them.

The LORD CHANCELLOR said a few words upon printing the evidence of Mr. Powell separately, and another witness was called in.

JOSEPH PLANTA, Esq. sworn and examined.

LORD CARNARVON—Are you under Secretary of State in Lord Castlereagh's office? Yes, I am. Do you remember a passport being applied for in the name of Rastelli, in the month of September last? Yes, I remember Mr. Powell came to me and said he wished to send Rastelli as courier to Italy, and requested me to perform the official proceedings for procuring it. Did you do so? Yes, I did. Who signed the passport? Lord Castlereagh.—I beg to explain, that passports are always ready signed in the office. Did you inform Lord Castlereagh of the application for the passport? No. Did he know of it at all? No. Is it the practice of your office for you to grant passports without informing Lord Castlereagh of the application for them? Yes. When you granted the passport to Rastelli, did you know that he had been examined before this House? By the publication of the occurrences of the day in the newspapers, I must have known it. In what capacity did you consider Mr. Powell to have applied for the passport of Rastelli? As an agent for the prosecution certainly.

By a PEER—Were you acquainted with the orders of this House when you granted the passport? Only by reading the newspaper.

MR. BROUGHAM—Did Mr. Powell at the time say any thing else to you respecting Rastelli's going back to Milan? I think he made some statement about Rastelli's being a proper person to return, to satisfy the families of the witnesses, but I did not attend to it particularly, as I merely fulfilled an official duty. Did he say any thing else on the subject? I do not recollect any thing else. Have you granted other passports since that time to couriers connected with this Bill? Yes. What was the date of the first passport so issued? On the 14th September.

(Witness ordered to withdraw.)

LORD CARNARVON said, from the evidence of Mr. Powell it was shown, that Rastelli was absent on public business, and he thought now that the Counsel for the Queen ought to be asked, if they were ready to proceed without his evidence.

The LORD CHANCELLOR said, Counsel might be called in and told, that as Rastelli was absent they might be at liberty to make any application, and they should be asked if they were ready to proceed, without stating their reasons, unless they chose to do so.

Lord CARNARVON said, that the House would not do their duty without interposing, but he should yield to the opinion of others, and not press his own at this stage of the proceeding.

The LORD CHANCELLOR put the question for calling in Counsel, and asking them whether, under the circumstances, they were ready to proceed.

Lord CARNARVON said, it ought to be retorted upon the Journals of the House, that the witness had not absconded, but had been sent away by an agent for the prosecution.

Lord LIVERPOOL said, he had no objection to its being recorded, that Mr. Powell had sent Rastelli away, but not upon public service.

Earl GREY and Lord CARNARVON persisted in putting the words "public service."

The LORD-CHANCELLOR put the amendment, leaving out the words "public service."

Lord LIVERPOOL wished it to be added, that "Rastelli had been detained abroad by illness."—His Lordship added, that Counsel should be instructed to proceed, and then as they knew their difficulty they would state, if they pleased, why they did not wish to proceed, if they had such wish.

The LORD CHANCELLOR said, that as the Counsel had been constantly present, they might now make their application to the Court, and it was not necessary, therefore, to put either question or amendment.

Counsel were then called in.

Mr. BROUGHAM said, in the extraordinary circumstance in which we are placed, and the difficulties by which we are surrounded, I feel it impossible to state to your Lordships our determination, as to the course which we shall take in the future conduct of this Bill, except that we shall pursue a little further this day our usual mode.

PHILIPPO POMI examined by Dr. LUSHINGTON.

In what part of Italy do you usually reside? At the Barona. How long have you resided there? In my own parish, for thirty-five years, in the place where I worked fourteen days. Is the Barona the name of a parish? It is. Have you lived at the Barona in the house of her Royal Highness the Princess of Wales? It is fourteen years since I have been there. Do you remember the Princess of Wales residing in that house? Yes, I do, a night and a day. What is your trade? I am a carpenter. Do you know Juseppi Rastelli? I do. Was he in the Queen's service? Yes, he was a groom. Do you know Louisa Dumont as being in the service of her Royal Highness? I do. Do you remember in the course of the last year Rastelli coming to the Barona? Yes. Who accompanied him? He came with the son of the head-master. Was Dumont with Rastelli? She came up an hour after in a carriage with other persons. Were Rastelli and Dumont together in the house? Yes. What did you see Rastelli do on that occasion? I saw them make little drawings there. Did Rastelli, upon leaving, offer you any money?

Objected to by the Solicitor-General, but allowed.

He asked me if I had received presents from those persons who had come, and I said No, and he afterwards made me a present. Of what amount? Two Napoleons of 40 francs. Did he offer you any money to come here as a witness? He offered me on another day. On that day he offered me not; he told me if I had something to say against her Royal Highness, I should have a great present. When did he say this? I said I had nothing to depose against her Majesty; I had nothing to say but speak well of her. State as nearly as possible the exact words that Rastelli used when he told you that you should have a great present if you deposed any thing against her Royal Highness? Come, if you like you may make yourself a man. I asked what he meant? he answered, You have always lived in this house, you may have something to depose against her Royal Highness. I said I had nothing to depose against that lady, who had always done a great deal of good. Was Mademoiselle Dumont present on that occasion? She was not. Did Rastelli at the time mention her name to you? No, because it was a few days after that he had this conversation with me.

The SOLICITOR GENERAL said, that the Counsel ought not to put questions which they could not put, as Rastelli was not here; they could postpone the proceedings until Rastelli returned. In the present stage of the inquiry it was premature to say that Rastelli was a corrupt and profligate witness. He thought it due from the Counsel for the Queen to make an application for an adjournment until Rastelli returned.

Mr. DENMAN said, that they were not bound to make any application to their Lordships, but were at liberty to follow their own course. The absence of Rastelli was not their act, and they ought not to suffer by it. Rastelli had sworn, that he was not an agent to the Commission, and they were at liberty to disprove his testimony. He had also sworn, that he had offered no money to any body to depose against the Queen, and the witness now called could prove the contrary. He (Mr. D.) contended for the right of going into the evidence upon the proved agency of Rastelli.

The ATTORNEY GENERAL said, the question could not be put. It was asserted that Rastelli was an agent. This he denied, as Rastelli had only been employed as courier to bring witnesses before the Commission. It had been said Rastelli was absent, but their Lordships would remember that when the case for the prosecution had closed, the Counsel for the Queen declared, that they did not wish to cross-examine any more.

Lord LIVERPOOL thought that Rastelli's absence ought not to deprive the Counsel of their right to put any questions which they would have put had he been present.

When did this second conversation take place? On a morning that he called upon me, and when we went together to the inn. Did he make any offer or promise of money, if you would become a witness against her Royal Highness, and in what words? He told me, if you have any thing to depose against her Royal Highness, now is

the time; you will have a great present and become a great man." We went to the inn and drank there. Did he name the name of Dumont? I asked him whether Dumont was still in the service of her Royal Highness, he said she was, and that *she had made a good day's work!*

Mr. BROUGHAM said, the interpreter, Spinetto, omitted the words, "and she (Dumont) has received a great sum."

Mr. COHEN, the interpreter for the Queen, said that these words were omitted.

Mr. BROUGHAM—My Lords, there are several Gentlemen at the bar, besides myself, who can testify that the words were omitted.

He told me Dumont was still in the service of her Royal Highness, but I found she was here. He said if I would depose something against her Royal Highness I should be paid a present; I said I have been in her Royal Highness's service night and day, and I never saw any thing that was at all improper in that Lady. He replied, then you know nothing, for it is a deceitful house; that is, a bad house, and bad women were in it. I told him it was a real falsehood, for I had been in the house by day and night, and had seen nothing of this; and then we separated. Was it on this occasion that Rastelli used the expression of making a good day's work? Yes, it was on that occasion that Rastelli said he was going about making recruits. Say what more Rastelli said about making a good day's work? I cannot express it; I must only say, he told me that on the day she (Dumont) came to make the drawing, she made a good day. Do you know a person named Ruganti? Yes, he is a companion of Rastelli.

Objected to by the SOLICITOR GENERAL.

Dr. LUSHINGTON said; that he trusted he should convince the House that the question ought to be put, for in page 409, in the evidence, Rastelli was asked, How came you to go to the Milan Commission? He answered, I was sought after. Who sought after you? A person of the name of Ruganti. How long after this did you go before the Commissioners? In a few days.

Dr. LUSHINGTON having read the above evidence, he said that it was clear that the evidence of Rastelli distinctly proved the agency of Ruganti in this prosecution. It was necessary to prove the agency from the witnesses, and not from the agents themselves. There was no visible prosecutor—no prosecutor in any shape or form; but he believed, with all deference to their Lordships, that the prosecutor was best described as "a joint stock company." If he proved the agency, he ought not to be put to the disadvantage of not proving the acts of those agents, who kept in the back ground; and screened themselves, as Mr. Powell did, from the consequences of their conduct, because there was no known prosecutor, and the acts of the agents were not to be proved to a principal. If this evidence were refused, what were the consequences to her Majesty? The whole of Italy, and even Europe might have been scoured for witnesses by subornation of perjury, and all the evidence brought against her, might have been so procured, and unless the evidence he offered was

admitted, he wished to know what justice her Majesty could have, how could he expose the vile crimes which had been committed by the agents of the Milan Commission

Mr. DENMAN.—My Lords, in addition to what my Learned Friend has offered to your Lordships, I beg leave to make a few observations upon the propriety of the question put by my Learned Friend to the witness. I take the liberty of contending that we have a perfect right to put the question; but first my Lords, I would beg leave to state, that this course of examination is highly important to our illustrious client, in as much as we are anxious to prove that this prosecution has arisen out of the foulest, the most extensive, and the most expensive conspiracy which was ever invented against any individual. If my Lords, we can prove that the north of Italy has been secured to purchase the purchasable witnesses that it was known were to be had there, and we are denied the opportunity of doing this, how can substantial justice be done to our illustrious client? Is not one part of our case to shew that a system of subornation of perjury has been carried on for the purpose of destroying her Majesty? and if we can prove that this system has existed will not it strike at the foot of these proceedings, and convince your Lordships that the whole is built upon this gross and scandalous foundation? In the instance before us, my Lords, I ask permission, and I ask it because it is nothing but fair towards her Majesty, and due to the ends of substantial justice. I ask to prove out of the mouth of this witness at least one instance of the subornation which has characterized the whole of this prosecution. It has been said by the Counsel on the other side that no allusion could be made to this Ruganti, because he did not appear upon the face of the prosecution; but I must tell your Lordships that this very Ruganti came over to this country with Rastelli, and whether he be here or not I cannot tell; but I will venture to assert that he did come over with Rastelli, because I shall offer it in evidence before your Lordships. I shall prove, my Lords, that this man was the active agent of the Milan Commission, and the course they adopted to conceal their practices was to employ agents to do their work, whom they have kept in the back ground, but whom I am endeavouring to drag with all their crimes before the world. I shall trace subornations of perjury to the persons who employed these infamous agents, if I am allowed to proceed, and if I am not her Majesty will not have justice.

The ATTORNEY-GENERAL had again to complain of the Counsel on the other side taking an opportunity of attacking persons who were not now before their Lordships, the gentlemen who formed the Milan Commission. He could assure the House that the gentlemen who belonged to that Commission were most honourable men, whose conduct, when the time came for it to be investigated, would be proved to be so, and who were most anxious to have the whole thoroughly investigated.

Mr. DENMAN—My Lords, this Ruganti was the agent of the Milan Commission, (no from the Solicitor-General,) I say it appears in evidence that he was in the employ of the Commission, he was agent to Vilmercati,

SOLICITOR-GENERAL—My Lords, there is no evidence of that fact, all the evidence states is, that Ruganti delivered a message to Rastelli, informing him that he was wanted by Vilmercati.

Mr. DENMAN—I ask the Attorney-General if he will inform me if Ruganti is in Cotton-garden, or in any other part of the country; it may be that I shall think fit to call him. I conceive there can be no objection to answering my question.

SOLICITOR-GENERAL—I am surprised the Learned Gentleman should ask the question; my Lords, it may be thought proper by the Counsel for the Bill to call Ruganti themselves to contradict this witness. I must decline answering the question put by the Learned Counsel.

The **LORD CHANCELLOR** said that it was the most extraordinary proposition that he ever heard and he conceived the Counsel had used improper language when they called the prosecutor a "joint stock company"—(cries of adjourn). His Lordship was making some observations upon calling Ruganti, when a Peer asked the Attorney-General if he should be able to finish the examination of the witness this day, and upon his replying in the negative, at five minutes before four o'clock the House adjourned till ten o'clock on Monday morning.

THIRTY-THIRD DAY—OCTOBER 16.

Earl GREY moved, that Sir John Beresford be now called in to speak to the character of the witness Carrington, as Sir John had attended the summons of the House at great personal inconvenience, and wished to return as speedily as possible.

The **Earl of LIVERPOOL** said, that there could be no objection to the motion of the Noble Earl.

SIR JOHN BERESFORD examined by EARL GREY.

Are you an Admiral in his Majesty's service? Rear Admiral. Did you command the Poictiers? Yes. What situation did Carrington hold on board the Poictiers? Quarter-master. Did he hold any other situation? No, not under my command. Did he leave the Poictiers during the time you commanded her? At the request of Sir W. Gell I procured the man's discharge from the Poictiers from Captain Jones, who was the acting captain, and he was rated as midshipman. Captain Jones had rated him as a midshipman in order to obtain his pay; he did not leave in consequence of any improper conduct, but in consequence of the repeated applications of Sir W. Gell. Then he was not midshipman on board the Poictiers? No, he was rated midshipman. You gave him a certificate? Yes, for he was always a very good man whilst under my command. Then there was no irregularity in his conduct, or in his discharge, while on board the ship? There was never a man who behaved better; but if there was any irregularity in the discharge it was my fault, not that of Captain Jones or William Carrington, for he was a very excellent man. Then he never was a midshipman while you commanded that ship? No.

He never did duty as a midshipman? Never. Had you ever any conversation with him as to his being brought forward as a midshipman? Not that I recollect. Do you recollect his complaining to you that he did not like the sea, and wished to get his discharge on that account? No, but the preceding tour he said he did not like the sea. After Sir W. Gell said he wished his discharge, I talked to him, and said, "Carrington, I hope to God you did not wish to leave the service;" but he said he did not like the sea, and wished to leave it. Had you any correspondence with the Admiralty on the subject of this discharge? I never had, and did not know that there was any; if I had he would not have had his discharge, for I could not apply for it, because I think it was an improper thing to discharge him. If there was any blame, I hope it will be laid to me.

LORD LAUDERDALE—Was there any engagement, when Carrington came on board your ship that he should be made a midshipman? I do not recollect that there was, he was clerk on board the Poitiers. You are certain you never gave Carrington reason to expect promotion as a midshipman while on board the ship? No. Did he ever state to you any difficulty in point of dressing himself, or maintaining himself as a midshipman? No; if he had, I should have done with him as I did with others, maintained him until he could repay me.

(Here Mr. Brougham read the evidence of Carrington, to shew that he never said he was rated as a midshipman while on board the ship.)

LORD CHANCELLOR—Does Sir John Beresford know, from any fact or circumstance, that Carrington knew how he was rated? Every man in the ship, to the best of my knowledge, knew how he was rated; but as there were 600 men in the ship, it is impossible I can say how every man was rated.

LORD COLVILLE—Are you certain Carrington did not know he was rated as quarter-master? He did know it I suppose, for he always did his duty as quarter-master.

LORD COMBERMERE—Did Carrington mess with the midshipmen? Yes.

LORD WINCHELSEA—Was the pay Carrington received that of a quarter-master, or that of midshipman? I believe both.

LORD CHANCELLOR—Is not a seaman rated according to the service he performs always? Generally.

Sir John Beresford withdrew, and had leave to return into the country.

Mr. BROUGHAM now addressed the House, and said, that since the last adjournment he had considered the situation of her Majesty, and it was impossible he could proceed without the testimony of Ruganti, for it was necessary to prove who was the prosecuting party in the present case, and he could only do that out of the mouth of Ruganti.

LORD CALTHORPE said, that the only prosecuting party that he knew of was the State, and he regretted that the Noble Lord (Liverpool) had not the candour to declare at first who was the prosecuting party; it was owing to that that the present difficulty existed: It ought to

have been stated earlier, and in consequence of its not having been stated, he considered it had placed her Majesty's Counsel in a disagreeable situation. He would remark, however, that if any advantage had arisen from representing the prosecutor as an unknown person, the advantage was evidently on the side of her Majesty's Counsel, who must profit by the odium which attended the mysterious nature of the prosecution, and the strange constitution of the Milan Commission.

Lord LIVERPOOL said, if there really was any difficulty, it ought to have been started before now, and have been decided. He could have no objection to give his candid opinion upon the course of the proceeding. On the 7th of June, he had laid upon the table of the House, by command of his Majesty, certain Papers relative to her conduct while Princess of Wales. Those Papers were referred to a Secret Committee, and on the following day he laid upon the table a Bill, not as a Bill of the Secret Committee, but as his own Bill upon his own responsibility. This was the only course which could be taken, and which had always been regular, and therefore was no mystery whatever in the prosecution. With respect to the Milan Commission, he had no objection to its being inquired into in the proper time. As to the prosecution, he had brought the Bill in upon his own responsibility, upon the firm persuasion that the preamble of the Bill would be proved. Whether it would be proved or not was now the question. Such, however, was the situation of the present proceeding.

The Marquis of LANDSDOWN—This Bill was brought in by the Noble Earl (Liverpool,) and the party prosecuting in this process, was created by the House. When the Noble Earl appeared to express some astonishment at the objection not being before started, he would say that it had been adverted to, and the very proceedings of Saturday had started the objection: for it was then shewn, that in order to detect the conspiracy, it was necessary to prove the agency; and that could only be shewn by tracing the principal, which in this affair the Learned Counsel for the Queen were unable to do because there was no known prosecutor. He contended that the letters between Mr. Powell and Colonel Brown, were evidence for the eliciting of truth, and the ends of justice, as there was no party known but the phantom, the unsubstantial party which their Lordships, by their own power had raised up as the prosecutor; and, therefore, they were bound in justice to their own honour, to admit all the evidence that could be given as to the conduct of Rastelli. He could not acquiesce in the distinction which the Noble Earl (Liverpool) had drawn between a Minister of the Crown and a Minister of the Government, there was no such distinction, and it was only due to the Noble Earl, from his known propriety in that House to believe that he would never have undertaken this business if he had not been the servant of the Crown.

The Lord CHANCELLOR said, that without going into all the circumstances of this proceeding, he would remark, that the Bill had been brought into that House, by the command of his Majesty, and

therefore those who advised him to do so, were responsible to the country for the advice which they had given. It was his opinion, that Counsel ought to go on with their cross-examination, and he was sure, notwithstanding all that had been said to the contrary, that the House would do substantial justice to her Majesty.

Lord CALTOPE explained.

Earl GREY wished to give his dissent to one part of the statement of the Noble Earl. The Bill was not brought in by the responsibility of Ministers. The charges were made upon their responsibility; but the Bill was brought by the House, and the act of the House. He must state that the Government that made the charges, and every person employed under Government in this affair, were agents for the prosecution, and Colonel Brown ought to be examined, and all others employed in the proceedings, to discover who had practiced the corruption of suborning perjury. He should think it his duty to put the question to the witness which was objected to on Saturday; and if an objection was taken to it, he should think it was his duty to take the sense of the House on the subject.

Lord CARNARVON.—It has been given in evidence that one witness was taken to Hanover to be examined, and the witness went a second time to Hanover. It was necessary for the purposes of justice, to see if there had been tampering at Hanover with the witness. The secret agency at Hanover had nothing to do with the Milan Commission, as it appeared. It was therefore necessary that it should be known if these Hanoverian agents were responsible for their conduct. The case was partly got up by two German despots, and were they accountable for their conduct? or were their servants, who had acted so disgracefully, accountable for their conduct? and were the advisers of the Duke of Cornwall, who had acted no trifling part in this business, accountable to the House and the country for the part they had taken in the proceedings? He thought they were, and he did not know if they should not next sit in judgment upon the advisers of these vile proceedings now before the House.—It had been said that, when the preamble was proved, then it was for the House to consider the propriety of passing the Bill. But he would say, why should the gross ribaldry, which had polluted the ears of their Lordships, have been heard, if, after it had been taken, the Bill should not be passed. The fact was, the evidence had nothing to do with the Bill, and he, whatever might be proved, would never vote for it.

Lord MELVILLE moved, that the proper officer at the Admiralty do lay before the House copies from the books of his Majesty's ship, the *poitiers*, shewing how Carrington was rated therein during his service on board that ship.

PHILLIPPO POMI cross-examined by the ATTORNEY-GENERAL.

You said you resided at the Barona, is that house now called the Villa Bergami? Yes, at present it is. How long has it been so called? A little time ago. How long ago? After Membrusa sold it, it is about three months ago. Do you swear that it was not called the Villa Bergami till within the last three months? It was so called even before Membrusa bought it, and after it was bought

again by Bergami, it was called the Villa Bergami. How long is it since it was called the Villa Bergami? He bought it in 1816. After Bergami purchased it did you continue to work there as a carpenter? I did. Have you continued to work at the Villa until the time you left Italy? When he was the master, I worked for him, and when others were I worked for them. When did you last see Bergami? I do not quite recollect; I think it was in August.—Where? At his house. Any where else? I have seen him in no other place, for I never went out of the house. Did you see him the day you left the Villa Bergami? No. When did you see him before? I left the Villa Bergami on the 20th September; I saw him in August, but do not know the date. Will you swear you did not see him in November? I took no memorandum, and cannot swear. How many days did you see him before you left? I do not know. Was it a week? More. Who desired you to come over here? No one; my own will. Then you came of your own accord, and no one applied to you to come? I came here by my own will; I heard of the advocate Cadazzo, and I went to him; and came here to speak of the Lady who had done a great deal of good to all the people of the Barona. Do you mean to swear that you went to Cadazzo, the advocate of your own accord, and that no application was made to you for that purpose? Yes, I swear that, before any tribunal.—Did any one apply to you to go to Cadazzo before you went there? No, I heard that Cadazzo received depositions in favour of this lady, and I went. When? The day after I saw Cadazzo. Do you know Vassali? Yes. Did you see him at any time before you set out from Italy? Yes. How long before? It was in August; but I do not know when; I have not the date. Was it before or after you saw Cadazzo? After. Did you come over to England by yourself or with other persons? I came over in company with my head-master Girolini, and three other persons. Where did you see Vassali? at the Villa Bergami, or at Venice? At Milan. Where? Near his house. I saw him as he was getting into his carriage. Did you pay your own expences in coming over here, as you came voluntarily? I have not. Who paid them? My head master, who paid the expences for all. Who is your head master? Girolini. Is he your head master when you are at the Villa Bergami? Yes. What are you to be paid for coming here as a witness? When I went to the advocate I told him if I was to go a hundred miles I would go without pay for that lady. What are you to be paid for coming here? I told the advocate that if he would give something to my family I would go for that lady to the end of the world. Then you expect nothing for coming here? Provided they take care of my family I have no expectation for coming here. What is to be paid to your family? A livre to my wife and half a livre to each of my daughters a day. Have you made no agreement with any one for what you are to have for coming here? I have made no agreement at all; but as other people have hopes, so I have hopes—(laughing). Then you have hopes of reward for coming here? I have told you I have no hopes; but for the benefit that lady has done me I would go to the end of

the world. You said when you were here last, that Rastelli came with the son of the head master to the Villa Bergami; what is the name of the head master? Antonio Girolini. Is Antonio Girolini an architect, the same as his father? He is more clever than his father. Did not young Girolini, on that occasion, take a plan of the house? Yes, they made a little drawing, or design. Did young Girolini make the plan? Yes, when he came to the Barona with Dumont and Rastelli. Girolini and other persons were up stairs, and they made this drawing or plan. Did young Girolini go away with them, after they made this plan? No, the others went away in a carriage; Girolini and Rastelli went out at another door, and when they were there, they began to leap for joy, and to congratulate each other. While you were at the Barona, do you remember any dancing when her Royal Highness was there with Bergami? Yes. Do you know a person named Antogina? He was lieutenant of the parish. You know Antogina; has he not several daughter? He has eighteen children males and female. Were the daughters present at the Barona? They came one day when her Royal Highness had expressed a desire to see all that family, from one mother and one father. What other persons were present at those balls? They were all people well brought up from a father well brought up, and a mother well brought up, and the father was present. Were there many persons of a low situation, in the neighbourhood, at those balls? No. In what situation of life were they? All genteel folks. We should call Antogina a gentleman, and the others were all gentlefolks. Did you know a person named Maria Gallette? Perhaps she may have gone there. Who is she? I do not know her precisely. Does she not keep the public house called the St Christopher? You must have mistaken her name, that is not the name of the landlady, it is Rosina. How long has she lived there? A long time. Has she not been at those balls? Yes, she came because she was brought by the other girls; she is a respectable woman; she is not a bad woman. Is she one of the ladies you have described as the gentlefolks frequenting those balls? Yes, she came, and came only once, this Rosina. But was she one of the gentlefolks? She was the mother of another girl who used to go there. Is there another inn at the Barona besides the St. Christopher? There is, Bergami is the master, (the owner). But who is the landlord? Giovanni Angelo; it is now the son, but before it was the father, who was called Antonio. Did his wife and his sister go to those balls? They came only once. What is the wife's sister? She has no sister. Do you know a person named Baptista, a blacksmith, at the Barona? No. There is no Baptista; his name is Antonio Manni. Were he and his family at these balls at any time? No; first of all he has no daughters; he has only three sons. Were he or his sons there? No, I never saw any of them. Do you know the wife of Bergami? I do. Have you ever seen her at the Villa Bergami? Yes, before I set out for England she was there. You said many gentlefolks went to the balls at the Barona, will you state their names? I cannot state their names. Can you mention any of the ladies? I might mention Marian Donorini, Juesepi Donorini,

and other persons, if they were before my eyes. Who is the Marian Donorini? At the Barona. What is she? A girl well brought up, and the flower of gentlefolks. Is she not the daughter of the man who keeps one of the inns at the Barona? Yes, she is the daughter of Antonio.

Earl GREY—Has any proposition been made to you to give evidence against the Queen, and by whom? No. Did no person speak to you upon the subject of giving evidence against the Queen? Yes; there is Rastelli, as I mentioned the other day. Any other person? There was another person named Ruganti, who, when I went to his shop to buy snuff, told me

Here the Attorney-General interposed, and as the Lord Chancellor was absent at the time, the question was left unfinished until his return, to give a decision as to the objection.

On the return of the Lord Chancellor, Earl GREY stated the circumstance, and said the answer should be heard out, and then objected to, if it was illegal evidence.

The ATTORNEY-GENERAL said the same course had been adopted by Mr. Denman on the other side. He said that what Ruganti had said could not be evidence.

The LORD CHANCELLOR then called upon the Counsel for the Queen, to offer their support of the question.

Mr. BROUGHAM submitted that there was sufficient ground in page 410 for putting the question. It is there stated that Ruganti desired Rastelli to go to the advocate Vilmercati: they went together, and the advocate examined Rastelli, which was clearly recognizing the agency of Ruganti; and it also appeared that Ruganti had desired Rastelli to go before the Milan Commission; and that Rastelli did go by his desire, and was examined before the Milan Commission; and by this examination the Milan Commission had clearly recognized Ruganti as their agent; but, said Mr. Brougham, if I can prove that agents have been about offering bribes to persons to come forward and give evidence against the Queen; offering to one a sum of money to swear that he saw Bergami put his hand up her Majesty's petticoats; and to others holding out expectations of rewards for evidence equally false and filthy; if I can bring home the acts of these agents to their employers, the Milan Commission, and prove the existence of a foul conspiracy against the Queen, although I may be unable to bring it home to Lord Liverpool and Lord Harrowby, whom I mention merely as my declared antagonists. I say, my Lords, if I can prove all this, shall I not at once overthrow the prosecution; for is there a man of common sense in this House, or out of it, who will say that the establishment of a proof of such a conspiracy will not be quite sufficient to put an end to this proceeding against her Majesty. I beg leave, with the most perfect submission, to remind your Lordships of the singular situation in which you will stand by shutting the door to the sort of evidence which we are desirous to offer, because with that, and not without it, can we establish the proof of this conspiracy.—The question now proposed by the Noble Earl, (Grey) is, in my opinion, of the highest possible importance to her

Majesty, and therefore, I sincerely trust that your Lordships' will feel it your duty to admit it.

Dr. LUSHINGTON, in addition to the arguments of Mr. Bougham, said, that it must be clear, from the evidence of Rastelli, that Ruganti was a person employed by the Milan Commission, as an agent to procure witnesses against the Queen, and if that was a fact, it was nothing but justice towards the Queen that he should be allowed to give in evidence the acts of Ruganti, the offers he made of money, &c. to different persons to come and swear against the Queen, that he (Dr. Lushington) might trace the subornations of perjury to the Milan Commissioners themselves, who were responsible for all the acts of their agents, Ruganti and every other creature whom they have employed to collect persons who would come to England and perjure themselves. Was this not important to her Majesty's case? when if he was allowed to give in evidence these facts, which he claimed to do, he should prove that from every place where a witness had been brought, numbers of agents of the Commission had been for a length of time residing, offering bribes to divers persons to come and swear to facts which were false against the Queen; and he should prove that these agents had promised numbers of persons to make their "fortunes," and to make "a good day's work," if they would come to England and perjure themselves. He (Dr. Lushington) therefore contended that the question was relevant, and in justice to her Majesty ought to be put, for Ruganti took Rastelli before the Commission, and there Rastelli was sworn and gave his deposition against the Queen.

The ATTORNEY-GENERAL was heard in reply. He contended that no person had been sworn before the Milan Commissioners.

Dr. LUSHINGTON referred to page 224 in the evidence, where it appeared that Rastelli was sworn upon the cross.

The ATTORNEY-GENERAL said, that no oath was administered to Rastelli; he also contended that the assertions of Ruganti could not be given in evidence. It could not, from the evidence of Rastelli, be inferred that he was a general agent of the Milan Commission; for in the evidence it merely appeared that he sent the witness Rastelli before Vilmercati, and that was not sufficient to prove Ruganti an agent to the Commission.

The Lord CHANCELLOR said, that from the arguments used on Saturday, he felt surprised that the question should now be put by the Noble Lord. There certainly was not in evidence any proof of Ruganti being an agent to the Milan Commission.

Earl GREY said, it might be thought that he persisted with a degree of pertinacity, in having this question put, when he admitted that it was such a question that could not legally be put in the Courts below. But in a case like the present, in a Bill of Pains and Penalties, such evidence ought to be admitted. What was the evidence given by Rastelli? He said, upon being asked.—"How he came to go before the Milan Commission? A person named Ruganti sought after me. Did he take you before the Commission? Yes, he did, What did he say to you? He said Vilmercati wanted me."—From

this evidence, he (Earl Grey) contended, that it was important that the House should allow the question to be put to the witness, to prove that this Ruganti had attempted to suborn perjury, for it would be important when their Lordships came to consider the ultimate decision upon this proceeding, that they should know how the evidence had been procured. If substantial justice was all that was desired, why should there be any hesitation in examining witnesses to facts which was vitally important to her Majesty's guilt or innocence. It was already in evidence, that subornation of perjury had been carried on in Italy, that a conspiracy had existed; and for the purpose of developing the whole of this mysterious proceeding, he contended for the right of putting the question to the witness.

The Earl of LIVERPOOL said, the Noble Earl (Grey) rested his expectations upon the speciality of this case. He wished it to be distinctly understood that every part of the evidence advanced by the prosecution should be carefully looked at, and that wherever suspicion might lay, it might be dismissed from the minds of their Lordships, for the Bill ought not to pass unless the allegations were fully proved to the satisfaction of every Peer in the House, but he could not in justice adopt the sort of evidence desired by the Noble Lord who had preceded him.

LORD ERSKINE—The rules of law have been stated by the Lord Chancellor, but he has stated no reason why those rules should not be departed from in this instance. He never would say, in the present stage of the proceeding, any thing for or against the characters of the gentlemen who formed the Milan Commission—but he would say, that if they were angels, the witnesses might have been corrupted before they arrived before that Commission, and it became the duty of their Lordships to sift the truth, and ascertain if it was so.—If this man, Ruganti, acted as an agent, and his acts could be traced to a principal, there would be no difficulty; but here is no principal known; and in the difficulty of the case it would be well not to decide hastily. He did not consider himself entitled to any attention in the opinion which he offered, except from his past legal pursuits; but he felt it his duty to offer it to their Lordships. If Ruganti has not committed some act, proving real agency, what is the probability? He comes to Rastelli, and tells him to go down to be examined at Milan. (Cries of no, no.) The noble Earl here read the evidence, in which he says he was sought after to go to the Advocate by a man named Ruganti. If this is not proved to the extent which might be inferred, it was, however, clear that he (Ruganti) had an interest, probably a corrupt and profligate interest, in getting the examination of Rastelli taken before the Milan Commission. It was said by the Lord Chancellor that Ruganti should be called; but this could not be done; and as the man was not here, surely it became their Lordships to prove the corruption of witnesses by other means. In the particular case now at issue was an illustrious and persecuted Lady, with a powerful Government opposed to her, to be treated as in a *nisi prius* case? and that too, not in a

court of justice, because they were there as legislators upon a Bill, and not judges in an impeachment, as they would have been if strict legality had been adhered to. If, therefore, they had departed from the principles of law, and became legislators instead of judges, was it asking too much to extend to the accused the benefit of some speciality when the House could allow it in the very constitution of the proceedings. If the Queen were as black as he believed from the evidence she was spotless, he would not vote for this Bill; because it tended in its consequences to do an irreparable injury to the Constitution; but during the proceeding it was a sacred duty to get at truth, in whatever way, in order that it might be discovered whether the conspiracy which was charged, really existed. When the House should be called upon to decide upon the evidence, he would give his opinion; but he could not assimilate this to a common cause, and therefore the strict rules of the Courts below ought not to be enforced against her Majesty, so as to preclude evidence which would prove the existence of a conspiracy to suborn the witnesses for the prosecution.

Lord REDSDALE objected to the question proposed by the Noble Earl (Grey), and said that the House ought not to depart, on this occasion, from the established Courts of Law. The House could not be too careful as to agents. Suppose, said Lord R. I were to say to a person, "Tell John Thomas to come to speak to me," would the person to whom he addressed himself be constituted his agent? and all that Ruganti has done was to desire Rastelli to go before the Advocate, and Ruganti might have been commissioned to do this, as any indifferent person might have been. His Lordship here repeated the hypothetical case of John Thomas, and asked if John Thomas would therefore be considered his Lordship's agent. The question was, were the House to depart in this instance from the established rules of the Courts below? It was said, that they ought to be departed from, because there was some suspicion upon the evidence; but if they did admit the question, it would only have the effect of introducing suspicion; and if such a course were to be allowed, they could never render substantial justice. The rules of the Courts below were the experience of ages, and ought therefore to be adhered to, and he considered a deviation would be highly improper.

After a few observations from the Lord Chancellor, Earl Grey withdrew his motion, as he perceived that the sense of the House was against it.

PHILLIPPO POMI was again called, and was asked by a PEER,

Do you expect to be paid more or less, in proportion as your evidence may be more or less favourable to the Queen? I have no such expectation; I only say, that if they will give me any thing I will take it.—(Laughter.)

The witness was ordered to withdraw, and the Marquis of Lansdowne asked Mr. Brougham whether the evidence of the next witness also related to the conduct of Rastelli?

Mr. BROUGHAM replied, that he meant to pursue the same line of

evidence. He was not now more prepared than he was on Saturday to state to their Lordships what would be the conduct of her Majesty's Law Advisers, further than this—that for a certain space, they should continue the same course of inquiry which they had adopted within the two last days of the proceedings.

The Marquis of LANSDOWNE wished that when that part of the case was concluded, the Counsel would inform the House as he intended to submit a motion on the correspondence of Mr. Powell with Colonel Browne.

The Earl of CARNARVON asked whether any person had been employed to take depositions in Hanover. He spoke with reference to the evidence of Barbara Kress.

The Earl of LIVERPOOL answered, that as far as his recollection went, the only agent employed by the Government was the British Minister.

Mr. BROUGHAM then called to the bar,

BONFIGLIO POMARTI, *examined by* Mr. WILDE.

Are you clerk to the advocate Godaci? I am. Was Godaci concerned as the professional agent of the Princess of Wales? Yes I had you at any time any communication with Vilmercati respecting the papers of the Princess in Godaci's custody? I had. Did you explain to Vilmercati your reason for coming to him? Because there was a person who conducted me as far as the door. Did you state that to Vilmercati? I did not. Did you state to Vilmercati what passed between you and the person that brought you to his door?—The moment he saw me he knew me, and he told me to bring him the papers belonging to her Royal Highness. Did he offer you any inducement to bring these papers?

The SOLICITOR-GENERAL objected to this course of examination, no conversation between the witness and Vilmercati could be evidence as to the charges in the preamble.

Mr. BROUGHAM required that the objection and its grounds should be more distinctly stated.

The SOLICITOR-GENERAL went on to observe that he could not go more into detail than to state that such a course was contrary to all the rules of evidence, and to all the principles of law.

Mr. WILDE maintained the legality of the question he had put, and referred to various parts of the printed evidence, from which it appeared that Vilmercati was a known and accredited agent of the Milan Commission. This being established, he contended that evidence might be given of the acts of the agent. Vilmercati was as much an acting member of the Milan Commission as Colonel Brown himself, and some person must be responsible for his acts. He wished to know what had been done to persons whose evidence, if what he was prepared to shew were true, would have scouted any prosecution from any ordinary Courts. His purpose in calling this witness was to shew that Vilmercati had been guilty of a most corrupt act in support of a wicked and most detestable conspiracy; that act was an endeavour by bribery to obtain possession of the papers of the Princess in the hands of her professional advisers in Italy. The principal in

this case was mysteriously invisible, and if her Majesty were not allowed to prove the misconduct and corruption of the agents who had been running about the Continent to procure evidence, the defence must be abandoned.

Mr. BROUGHAM followed on the same side, further enforcing the proof of the agency of Vilmercati. He was at least as much an agent as Mr. Powell, who had been screened from producing his letter to Colonel Brown, by stating that it was a professional and confidential communication.

The SOLICITOR GENERAL, on the other hand, contended that even the acts of the Milan Commissioners themselves could not be made evidence. Vilmercati was only employed to receive and take down depositions, and could render his principals responsible only for acts done within the scope of his duty. This was the ordinary rule of law, by which the House would, he apprehended, be bound. As to any bribes offered by the Milan Commissioners, or others, that could only be legitimate evidence, when it applied to witnesses already examined at the bar.

The House adjourned at a quarter past four o'clock, without coming to any decision upon this point.

THIRTY-FOURTH DAY—OCTOBER 17.

The LORD CHANCELLOR—The question now before the House is this: are there acts proved in evidence to shew that Vilmercati is an agent in this proceeding?—If Vilmercati was advocate in this case, he should be sorry, upon such narrow grounds as the evidence already given, that Vilmercati should be held to be an agent. He should like to take the opinion of the Learned Judges upon the question, as whether sufficient evidence had been elicited to constitute Vilmercati an agent? and what evidence was necessary to constitute agency? His Lordship then proposed a question to the Twelve Judges for their opinion. If, in the trial of a civil action, or on an indictment, such evidence as had been given at the Bar of the House against Vilmercati, had been elicited in the Courts below, whether according to the rules and practices of such Courts, a question as to the conduct of Vilmercati, with a person called as a witness for the defence, could be legally asked?—His Lordship wished to give every fair opportunity to her Majesty's Counsel to prove the charges they made against the agents in this Bill, but the rules in evidence ought to be adhered to in this case, as in all other cases of a similar kind.

Earl GREY thought the case before the House of such a nature, that if the Judges decided, that the question could not be put according to the strict rules and practice of the Courts below, from what had come out in evidence at the bar, the question ought to be put.

Lord LIVERPOOL—My Noble and Learned Friend, the Lord Chancellor, will, in his question to the Judges, I am sure, omit that part of the question which relates to the proceedings in civil cases, and

confine it to criminal cases only. If there is proof given of corruption in any witness, I shall be glad to have that enquired into, and if the agents have been guilty of subornation, and the agency is established, I shall have no objection, but shall be anxious to have that conduct thoroughly investigated.

Lord ERSKINE said, he was now satisfied more than ever, that the evidence offered at the bar of the House ought to be received. He agreed with every word which had been spoken by the Noble Earl (Grey) and he contended that the question ought to be put, whatever might be the opinion of the Learned Judges, as to the law in Courts below on the subject of the necessary proofs to constitute agency. The Noble Earl (Liverpool) had admitted, that in this proceeding they were bound by no rules, and ought to proceed in that mode by which substantial justice was most likely to be done to all parties. How could justice be done to her Majesty if the conspiracy of these parties, against her life and honour was not enquired into? Even according to the strictest rules of law, he contended the right of putting the question proposed, for sufficient general evidence of agency had been given by the witnesses on the part of the prosecution, and now her Majesty's Counsel ought to be allowed to prove by the evidence which they offered of the existence of a conspiracy against her Majesty. His Lordship then commented upon the evidence given by Rastelli, which had been completely disproved, and also-upon his conduct in offering to the builder of her Royal Highness at the Villa d'Este, to get his bill paid if he would give evidence against her Royal Highness. This Rastelli had also offered bribes to others, and he had, no doubt, been bribed himself. After all this, when the facts came to light, he was found to have been sent out of the country. The grossest injustice would be done to the Queen, if the evidence was not admitted, and the conduct of the House would blast their fame in the eyes of all the world, if the conduct of the Milan Commissioners, their agents, and all that had been concerned in the proceeding against the Queen's fame, honour, and life, was not probed to the bottom. The Noble Lord most impressively conjured the House not to consider this as a civil case, but to look to the alarming penalties which were sought for against the Queen, and to extend every means for eliciting of truth. It was his firm conviction that subornation of perjury could be adequately proved; and he would ask the Noble Earl (Liverpool) whether, if he had known when he undertook this business what he now knew, he would have proceeded. If he would, he (Lord E.) had very much mistaken his character. The Noble Lord concluded a most impressive and argumentative speech, by conjuring the House not to depart from the eternal ends of justice, not to treat this as a common case, but to reflect that truth was what was wanted, and if the rules of the Courts below were insufficient in the present instance to elicit that truth, then it was the duty of that House to use any means for the purpose of ascertaining the corruptibility or incorruptibility of the evidence. If the House adhered too strictly to the rules of the Courts

below in this important proceeding, they might stifle truth, and that would be to seal their own dishonour.

Lord ROSSLYN said, that the rules of the Courts below were strictly proper to elicit truth in all cases where there were two parties, because the admission of irregular evidence on one side might be a serious injury to the other ; but the law differed very materially in criminal cases. This was called a measure of state expediency, and the Bill was to inflict Pains and Penalties hitherto unknown—(hear)—upon an illustrious individual, and she had a right to show, in any way she could, that the evidence against her was false ; and then having disproved the allegations of the Bill, the expediency would no longer be a plea for inflicting punishment where no guilt existed.

Lord MANNERS (Lord Chancellor of Ireland) said, that in common law the declarations of the agent must be taken against the principal, and in this case the same rule must be adopted, but the assertions of unauthorised persons ought not to be admitted. His Lordship said, that the rules of the Courts of Law, which had been sanctioned by the experience of ages, and which were admirably calculated to get at the truth, ought not to be departed from in this instance. He wished, therefore, that the opinion of the Learned Judges might be taken, and their Lordships could then decide as to the course which should be adopted.

Lord DONOUGHMORE wished the question to be put to the Learned Judges, as he considered it to be highly important. It was their duty to ask, whether Vilmercati really stood in a situation of an agent ; and it was essential to put the question to the Judges, in order to have their opinion on the subject. He would ask if they were now trying the conspiracy, or a question in point of evidence between two parties; the accused on one side, and the Ministers of the Crown on the other? When the time came for enquiring into the conduct of Ministers (he was willing that it should come) he was sure they would come out of it unsullied. They had had a great deal of eloquence in prose and verse on this occasion, and he was glad it was all over. He wished now to come to the inquiry as to the evidence, and therefore he concurred in the propriety of putting the question to the Judges.

Lord GROSVENOR—My Noble Friend has said, that all the quotations in prose and verse are at a conclusion—would to God he could also state this proceeding was at a conclusion ! I have made up my mind as to the course which I shall pursue, and I am more than ever confirmed in that course. If her Majesty had been really accountable to her prosecutors for the conduct which was charged against her, I really think there were circumstances which made it proper and decorous that these proceedings should not be instituted. It was in the power of the King to withhold from her a participation of the coronation ; to deny her the privilege of holding a drawing-room, or of sharing the royal roof ; and, therefore, there was no ground whatever for the proceedings which had been taken against her. As to the question now at issue, although he would confess that he had some doubts yesterday as to the agency of Ruganti, it was impossi-

ble not to see throughout the whole of the evidence, that this Vilmercati was a direct agent in the business. It is said that Vilmercati has not been called as a witness. How could such a corrupt witness be called? And it is also said, that this was not a time for entering into a trial of the conspiracy. This is the time (hear,) to do justice to her Majesty. We are not to hear all this foul evidence, and when it has had its effect to enter upon an enquiry into the conspiracy, but it must be done now, and the course offered to be taken as to this Vilmercati was the only course which can be safely and honourably pursued. As to the witness Rastelli, his absence is enough to show us the propriety of passing some short Bill to detain these witnesses, that they may be indicted for perjury; for if even this Vilmercati were here, without such a Bill, and notwithstanding the pledge given by the Earl of Liverpool, it would be impossible to detain and punish him.

LORD RUSSELL.—The question for your Lordships is this; shall a question be put to the Judges for their legal assistance and opinion on the propriety of putting a question to the witness at the Bar?—Their Lordships would consider whether it was not more safe for the House to guide itself in this case by those rules which had been established for ages in our Courts of Law.

THE LORD CHANCELLOR said, that some of the Noble Lords had opposed the question being put to the Judges for their opinion: he would state why he proposed the question. Their Lordships had for near 40 days being engaged in this proceeding, and during that time they had followed the rules of the Courts below as closely as possible, and if those rules and practices were not good, the sooner they were altered the better. If the judges decided that the question could be put according to the rules of the evidence in the Courts below, would not these noble Lords be more satisfied, who might entertain some slight doubts on the subject. He proposed his question to the Judges for their opinion, which was altered from the form in which it was first proposed. His Lordship having omitted the part which related to practice in civil cases and confined it only to criminal. The question stood thus—"Can A. B. be examined as to C. D. offering a bribe to E. F."

The Marquis of LANDSDOWN in a short speech, declared that the speech of the Noble Lord (Rosslyn) was one of the most constitutional speeches which he ever heard; it was, indeed, he would venture to affirm, completely unanswerable. He insisted that the conduct of Vilmercati ought to be enquired into—He heard the objection to it with astonishment. No one could look at the evidence without being immediately satisfied that Vilmercati was an agent. His name appeared in every page, and he was admitted to be in the confidence of Colonel Brown, Mr. Cook and Mr. Powell. It was said, this is not the time to inquire into the conspiracy even if it exists; why it was the only time to inquire into it; was it a proper time to inquire into it after the Bill had passed, after her Majesty had been deposed?—What would be the consequence? Why, after her Majesty's guilt had been proved by evidence, and the Bill was passed, an inquiry

would be going on if her guilt had not been proved by persons who had conspired together, and who had been hired by wicked agents to do it. That was not all; for when her Majesty was deposed, his Majesty might marry again, and then his Queen must be ~~re-elected~~ for the deposed Queen; such would be the injustice to the King and Queen, and what would the consequence be to the country, God only knew. For these reasons, he now was of opinion, the question ought to be put, and the conspiracy ought to be developed.

Lord KING said, if the question must be proposed to the Judges for their opinion, it should be put in a different form; for the acts of which were found in the evidence given by the witnesses for the Bill, should be stated in the question proposed, and the Judges should be asked—"Can a witness A, B. state the acts or declarations of C. D. a person who had been proved to have been so concerned as an agent in the proceeding?" One of the witnesses had been asked the following questions:—You saw Vilmercati at Milan? Yes. Did he say aught to you about your coming over to England? Yes. Did he state what you should have for coming? Yes. What did he promise you? Ten livres a day. He therefore was of opinion that the answer of the witness proved Vilmercati to have been a direct agent in the proceedings against her Majesty.

After some conversation between the Lord Chancellor, Lord KING, and the Marquis of Lansdowne, the question was divided into two, and the Judges were desired to give their opinion as to whether questions could be put to the witness, not only as to the acts and declarations of Vilmercati, but also of Ruganti and Rastelli.

At a quarter past one the Judges retired to consider the question.

Lord CARNARVON said, that before the House did any thing in this question, he desired to know if Ministers were to be indulged with the human sacrifice which they thirsted after. Their Lordships might, if they pleased put questions of Law and waste the time of the House but they could not escape from the questions of eternal justice.

Lord ERSKINE proposed this question—Supposing, according to the rules of law evidence, evidence of a conspiracy to suborn witnesses could not be proved against particular individuals, without the agency being clearly established home to the principals, could general evidence of such conspiracy as a preliminary to trace out the agent and the prosecutor?

Here the Lord CANCELLOR moved the adjournment.

THIRTY-FIFTH DAY—OCTOBER 18.

At 25 minutes past ten o'clock, the Lord CHANCELLOR enquired whether it was the pleasure of their Lordships that Counsel should be called in.

The Judges took their seats soon after. They had been in consultation until a late hour last night, and from five o'clock until nine this morning, upon the question propounded yesterday by the House.

The CHIEF JUSTICE of the Court of King's Bench rose, and stated that the Judges had considered the matter submitted to them yester-

day by the House, in the form of three questions, with respect to the latter of which they had to request a fuller explanation, before they pronounced their opinion; or, if it were preferable in the judgment of the House, they (the Judges) would answer the two first questions, and withhold their sense of the third, until the House were pleased to state to them the meaning in which it was put.

LORD ERSKINE suggested, whether it would not be better to shape the third question in a clearer form to the Judges, so as to obtain their answers to all the three questions more distinctly. For instance, could their Lordships not ask the Judges, whether, if in the course of evidence a conspiracy were hinted at, they would not deem it their duty to admit evidence of that conspiracy, in the most comprehensive form?

EARL GREY thought it would be as well if the Judges should consider, whether they deemed it more advisable to pronounce an opinion upon the two first questions, and consider the third; or withhold the opinion upon the whole until the latter were more clearly elucidated.

The Judges then withdrew to take into their consideration the whole three questions.

MR. BROUGHAN here said, that to save the time of the House, while the Judges were out, he should propose to have letters read from his late Majesty to her Royal Highness the Princess of Wales. He held letters in his hand, and if any Noble Lord would please to verify the hand-writing, they might as well be read now.

The letters were, handed to the Earl of Liverpool, who, upon looking at them, he had no objection to verify them.

The LORD CHANCELLOR desired Mr. Cowper (the clerk) to mark the letters and state their dates.

He answered that the first letter was dated Windsor Castle, April 13, 1796; the second Windsor Castle, Nov. 13, 1804.

The letters were then put in and not read.

SAMUEL INMAN, from the Navy Office, appeared at the bar to produce the extracts from the ship's books relative to the service of Wm. Carrington, which had been ordered by the House.

The LORD CHANCELLOR said, it was proper that some of the Counsel on both sides should be present while the witness at the bar gave his evidence.

MR. PARK and MR. DENMAN, who, with the other Learned Counsel, had previously retired, now returned to the bar.

SAMUEL INMAN examined by the LORD CHANCELLOR.

What papers have you there? Certain papers ordered by the House relative to the service of Wm. Carrington. Are they copies or originals? They are copies from the originals in his Majesty's books. Are they faithful extracts from the ship's books? They are faithful extracts from the ship's books. Have you the books with you? I have.

Counsel were then asked if they had any question to ask this witness.

Mr. DENMAN said, it did not occur to him that any question was necessary.

The witness was then ordered to withdraw

At ten minutes before 11 the Judges returned.

CHIEF JUSTICE ABBOTT said, he had conferred with his Learned Brother Judges on the question submitted to them by their Lordships, on which they had not been able to come to a decision yesterday. He, after considering the subject with them, had written down his own opinion. This, on perusing it, his Learned Brothers had thought proper to adopt, and he was therefore authorised to deliver it to the House as their opinion. In cases like the present, agents, to obtain evidence, were necessarily employed; and there was no disgrace in employing, or in being employed, as an agent. The principal in any case could only be affected by the acts of the agent where those acts were authorised by the principal. One person could not be disgraced by the actions of another who might be his agent, unless the actions referred to could be proved to have been done by his immediate order. It was possible that up to that moment of the opening of the prosecution, the prosecutor might be ignorant of the acts of his agent, and would reject the means that were used if they came within his knowledge. An important consideration suggested itself as to the effect such acts ought to have on the character of the witnesses. These might be numerous and respectable in a case where the agent for the prosecution had grossly misconducted himself; and the witnesses were not all to be regarded as perjured knaves, because certain wicked endeavours had been made to seduce other persons, by money or other means to give evidence to the same effect. He, therefore, came to the conclusion, that in this case, as in that which he had supposed as analogous to it, the question could not be put. If it were proved that practices of the kind alluded to had been resorted to by the agent, a slight degree of suspicion might in consequence attach to the witnesses, but it was not on suspicions that the verdict of a Jury ought to be founded—it ought to rest upon facts. He was conducted by reasons similar to those which he had stated, to operate on his mind in deciding on the first question, to give a like opinion on the second. To the third question, whether on an indictment for a criminal offence the defendant could be allowed in some cases to give evidence generally of a conspiracy; he replied, that in the Courts below such evidence of a conspiracy might be received to shew the true character of the acts of an individual. But it was to be observed, that where evidence of this general nature was admitted it was expected that the Counsel for the parties should, in opening the defence, make it known that such was the course he proposed to pursue, and thus enable the Judge to determine whether or not the evidence intended to be given was fit to be received.

The ATTORNEY GENERAL then said, that by the indulgence of the House he had been present during the delivery of the Learned Judge's opinion by the Lord Chief Justice of the Court of King's Bench. And standing in the personally painful situation which his duties in this place placed him, he was sure their Lordships would

give him credit, for taking only such objections, as appeared to him to be important, when evidence was attempted to be given, contrary to those rules of evidence by which the proceedings were to be bound. The opinion of the Judges had shewn that the objection was well founded—notwithstanding which, however, he (the Attorney General) had not the least objection to the inquiry being gone into respecting the conduct of the Gentlemen who had formed the Milan Commission, reserving, however, to those Gentlemen, the right of calling witnesses for their own vindication, in answer to any evidence that might be brought against them on the other side.

Mr. BROUGHAM said, he could not exactly arrive at the real decision of the Judges.

Lord LIVERPOOL was clearly of opinion, that a full examination of the conduct of the Milan Commission, provided they thought this the period at which it was fit that investigation of their conduct ought to be gone into.

Lord GREY conceived, that the proposed examination which had been interrupted ought to be gone into; but he could by no means entertain that opinion on the grounds stated by the Attorney General, or by the Noble Lord on the other side of the House. He could not help making this declaration of his sentiments, and hoping no further discussion would take place, he begged to move, that the witness be now called in and asked the question which had been objected to.—He was ordered to be called back accordingly.

Examination of BONFIGLIO POMARTI continued by Mr. WILDE.

All the previous questions and answers of the witness were repeated until the short-hand writer came to the question to which objections had been taken.

Mr. WILDE then put the following questions:—

You have stated that Vilmercati had told you to bring her Royal Highness's papers? did he offer you any inducement to bring those papers? He told me that he would have given me an employment, and that he would have given me more emolument than my employer. Did he state the nature of the employment that he would give you? In the Police of Milan. Did you do any thing in consequence of what Vilmercati said? On the following day I brought him some. Did Vilmercati say any thing as to the time you should go to his office? He told me to go in the evening. Did he mention any time? After sun-set. Did you, upon any other occasion, take any other papers of her Royal Highness's to Vilmercati? I did. On how many occasions did you take papers from Codazzi, and carry them to Vilmercati? Seven or eight times at the utmost. Did Vilmercati know when you took those papers that you were a clerk in the office of Codazzi? He knew certainly. Had you any conversation with Vilmercati about your taking them? He told me to bring to him those papers I could get. Did you receive any thing from Vilmercati for taking these papers? Money. How often did you receive money from Vilmercati for taking her Royal Highness's papers? Six times. Were you satisfied with the money that you got from Vilmercati? I was.

not, Did you ever make any complaints to any one that you did not get money enough? I complained once. What did Colonel Brown say to you upon making those complaints? He told me that he was a friend to the Advocate, Vilmercati, and that I ought not to doubt that Vilmercati would pay me what he had promised. Did you, in consequence of this communication with Colonel Brown, make any application to Vilmercati for more money? Colonel Brown told me to call again the following day on the Advocate Vilmercati, who would give me something. Did you call on Vilmercati? I did. Did you receive any more money? I did. Did the witness know that the papers which he took to Vilmercati related to the examination at Milan? Some of them. State which of them he knew? One of them related to the deposition of the *Femme de Chamber*, who had been sent to Vienna with Sacchi.

Witness was here stopped in his answer by MR. WILDE. I merely want to know to what subject the papers related? They were letters. Were they any examinations of witnesses? Not amongst the letters; they were letters of her Royal Highness, Bergami; and others. What other papers were there besides letters? There were some answer of the Advocate Codazzi to Bergami. Were there any other papers? No. Do you know to what subject these letters related? Some of them. State the subject, not the contents of the letters? The Advocate Vilmercati told me to bring these letters which treated of the depositions—that is, those letters which desired somebody to come and give evidence. Did he in point of fact carry letters on that subject to Vilmercati? Letters, not papers. Do you know a man of the name of Ruganti? I do. Did Ruganti ever make any application to you about papers? He has been at my house. Had you any communication with Vilmercati respecting Ruganti's application for papers? I had. What did Vilmercati say on the subject of Ruganti's application for papers? I said I knew not Ruganti, and I asked Vilmercati who he was; and he told that he was a person of condition, and that I should give him any thing. What was the application that Ruganti made to witness respecting papers? He said, if I gave them to him he would give me a great deal of money. What papers did he give to him? Papers respecting the affairs of her Royal Highness. What affairs of her Royal Highness? Those which were now in England. Did Ruganti know in whose employ you were? He knew it, for he had come to my house; The Secretary of Codazzi came to look after me. Did Vilmercati say any thing more about the employment of Ruganti? He told me that he was a person of character; he told me nothing else. When did you first disclose to your master Codazzi that you had given up the papers to Vilmercati? On the 27th July, 1820. Was that the first time you informed him? Yes. What does Ruganti do? He sells tobacco and salt. Are there any shops near to Ruganti's house? Yes. What sort? I don't know, I passed seldom that way.

Cross-examined by the SOLICITOR-GENERAL.

How long have you been with Codazzi? A year and an half. Were you clerk all that time? Yes, till the 27th of July. On the 27th of July did Codazzi turn you out of his service? He did. Have you been in his employ since? No. Did you go to Vilmercati of your own accord, or what induced you to go? There was a person who came to me twice, and urged me to go, and he took me himself. What did that person say to you to induce you to go? He told me I ought to go, he wished me to go, and that I should be made a gentleman if I went. Did you know that Vilmercati was employed in this process of her Royal Highness? When I went I knew. Was your master Codazzi at that time employed in the affairs of her Royal Highness? He was not employed in the affairs of her Royal Highness in England, but in her affairs in Italy. Did you not, as an honest man, communicate to your master, the message you had received, to take away the papers? I did not. Why did you not; did you not consider it your duty to have done so? I thought that I could do no harm. Can you tell who the person was you stated, came twice to you to go to Vilmercati? I do not know him. When he came to you did you not enquire his name and who he was? I asked his name, and he told me it was no business of mine to know it. When did you see him the second time? The following day. How came you to see him on the following day? By accident. Where did you see him? At the same place.—*A laugh.* Was it at the same hour on the second day? Yes. Did he put the same question to you the second day? He asked me if I had thought of what he had told me the day before. What did you say? I said I had thought of it, and would not go. Did you see him again? No, I went to Vilmercati. After telling you would not go? Yes. Did you ask his name on the second occasion? Yes, he refused to tell me. Did he go with you to Vilmercati? Yes, to the door. Have you seen the man since? Yes, but not his face. Had you no curiosity to see his face? Yes. Did you follow him to gratify that curiosity? Yes. Where? To the door of Vilmercati. Had you papers in your possession then? No; on the former day I had, but not then. Did you see the man after that? Once, but did not see his face. Was he a young or old man? Middle-aged, I think. Was he light or dark? Dark. Did Vilmercati pay for the papers on the first time? Yes; he gave me three double Napoleons, and he told me to get chocolate. (*Laughing.*) When did you take the second papers? After September. How soon after you took the first papers did you take the second? Three or four days. What did he pay for the second parcel? Four Napoleons. Were you sent for? No; I went of my own accord. When did you carry the third parcel? In October. At what part of the month of October? I do not remember whether it was the beginning, the middle, or the end. Were you paid for the third parcel? He paid me another time. When did you carry the fourth parcel? I carried a paper as far as the end of November. But the fourth time. I do not remember if it was in October or No-

vember. Did you carry some papers? Some letters. Were you a confidential clerk to Potadzi. You say these papers were in your custody? Yes. Did you not think that you acted a most villainous part in taking these papers? Not in the beginning. Was it a discovery of your own that your conduct was base and infamous, or were you told it by some other person? Some persons act disgracefully and infamously, and afterwards repent and so have I. But after you had repented, did you not think it your duty to communicate it to Potadzi? I thought it better to be silent. You have said that you repented at the beginning of the year; when did you carry the last parcel to Potadzi? I do not know if it was the end of November, or the beginning of December. Will you swear that you never carried any papers to Vilmercati after the month of December? Before I swear I will think—allow me to think. In the month of July, when I went to ask the name of the person who called at my house, he asked me to give him a list of the names of the persons who were witnesses for her Royal Highness, and I gave him the list. Did you call on Vilmercati in the month of July? Yes, to tell him that Ruganti had called. Did you give any paper of that kind? I gave him a list of the persons who were going to set out. Was that by desire of Potadzi? No. Was that a list of the witnesses who were to set out on behalf of her Royal Highness? I did not give the list of all the witnesses. Did Vilmercati pay you for that intelligence? No, I gave him this list to find out who was the person who called at my house. Did Ruganti pay you? I gave the list to Vilmercati. How long after you had given this list did your master know of it? On the same day that I told it to the Advocate Potadzi. I gave this list to Vilmercati. Did you deliver any other papers except this list to Vilmercati after the month of December, 1819? No. Will you swear that positively at this moment? I will swear it a thousand times. Did you ever, after that, offer any papers to Vilmercati? I did not call upon Vilmercati after, until Col. Brown sent me. Did Vilmercati pay you for the papers at the time you delivered them? Yes, at the beginning;—afterwards, no. When did he make you the last payment? When Col. Brown sent me; it was the end of March, this year. How long before that had you received any money from Vilmercati? The end of November. Are you sure, and will you swear, that from the end of November to March, Vilmercati paid you nothing? I will swear it a hundred times. What was the amount of the payment in March? Fifty-two livres and a half of Milan. Are you quite sure that it was the end of March? I am. Have you never said that Vilmercati had paid you for papers in February of this year? I never took any. Have you never said it? I have not said it, and I never called, from the beginning of December to the end of March. Will you swear it? Yes. Did you not call on Colonel Brown with a bundle of papers? I had two or three letters to make myself known. Did you not, when you called upon Col. Brown ask him if he was not one of the Commissioners appointed to inquire into the conduct of her Royal Highness? I knew it. Did you not introduce yourself by taking a bundle of papers from your pocket,

and asking him if he was one of the Commissioners? I called, and I took out two or three letters. Did you not then ask him if he was one of the Commissioners? I shewed him these letters to make myself known, and I complained of the Advocate Vilmercati, who, after having seduced me, had paid me so little. Did you not, on taking out the letters, ask Colonel Brown if he was not one of the Commissioners against her Royal Highness? Yes, I asked him so, but I knew it. Did not Colonel Brown ask you who you were, and what your name was? I made myself known, by saying I was the confidential clerk of Potadzi. Did you say this when you first went into the room? At first I asked him if he was Colonel Brown, for I knew him not. Did not Colonel Brown ask you who you were? He answered me yes, and he did not ask me who I was. Will you swear that he did not ask you who you were, and that you refused to tell? He did not ask me who I was, but I told it of myself. Did you not, in a question from Colonel Brown, say you were a confidential clerk to Potadzi, and then Colonel Brown returned you the letters, saying, you were a consummate scoundrel, and that it would end by your being hanged. He shall be hanged, not I, for I have not said so; it is not true he gave me the letters, and Colonel Brown shut the door of the room, and told me not to speak so loud, for we should be heard; and he told me to call next day on Vilmercati, and he would cause me to receive 200 francs; and he told me nothing else but that Vilmercati was a person of condition, and he would keep his promise. Did he not, when he shut the door, tell you you should not go out till you told him who you were? He is a liar if he says so—(laughing.) Did not Colonel Brown say you were a most infamous fellow at that meeting? I have repeatedly made answer he did not say so. Did he say you would end by being hanged? He never said so. I swear. Any thing to that effect? No, for I have been seduced by them, and they are more infamous than me. Did you see him more than once? Many times at Milan. Did you refuse to tell Vilmercati who you were, I ask you? No, I did not. Where do you live at Milan? On the terrace Contrada Larga. When did you go there to live? On the 29th September, 1819. Having said that at the beginning of the year you first discovered that your conduct in betraying your master's confidence was infamous, I ask you if you think it infamous to speak on your oath that which is untrue? To swear the truth is just; what is true I swear, and what I have said I am ready to swear. Did you communicate these facts to Potadzi of your own accord? Yes, on the 27th July. Do you mean to swear that he dismissed you immediately on your communicating these facts to him? Yes. Will you swear that you have no expectation of going into Potadzi's service when this affair is over? I swear I do not. Who brought you to England? Vassali. What are you to have for coming here? I will receive nothing, I came here to remedy my errors. And you swear that is the only reason you came here, and you have not any expectation of reward from any person? I swear I do not expect any thing. Has no person promised you any thing for coming here? I swear no person has.

promised me any thing. And you came here entirely to remedy your errors? Yes. And for no other reason? No other. Have you had no communication with Potadzi since you left his service? No. Did he never send for you? No. Is Potadzi now concerned for her Royal Highness? I do not know. Then you have not had any communication with Potadzi since July? None, I will swear one hundred thousand times, I have attended to my business only. Were you examined at Milan? They asked me a few things. Who examined you? I put in my depositions in writing. Then you were examined by Potadzi in July? I wrote my depositions by my own hand, and gave them to him. And did he then turn you out of doors? He did. Did he not say it would not do for you to remain with him till after this process against her Royal Highness was over? No, I went to a trade where I got money: and I got nothing with Potadzi. Did you know at that time you should gain any thing by your trade? Yes.

Re-examined by Mr. WILDE.

Was it after the interview with Colonel Brown that you received money from Vilmercati? Yes, on the following day. Was it after the interview with Colonel Brown that you gave in the list of witnesses? Yes. Taking the affair altogether, what sum of money did you receive from Vilmercati? Between 360 and 400 francs.

The Lord CHANCELLOR asked the Poem if they wished to put any question to the witness? No answer being given, he was ordered to withdraw.

PHILLIPPO POMI, who had already undergone examination, was then put to the Bar. Examined by Mr. TENNANT.

Do you know a person named Ruganti? Yes. Is his name Phillippo? It is. Where does he live? On the Banks of the Port-di-Chinese. What is he? He sells tobacco, salt, beer, and brandy. Do you recollect his calling upon you at any time? He did not call upon me, but when I went into his shop he saw me, he had always something to say to me. Did he ever make you any offer? Yes. Upon that occasion what did he do? I went to buy salt, tobacco, or something, and he told me, for he knew that I belonged to the Barona, "Pomi, if you have ever seen any jokes played between the Princess and Bergami, now was the time to come forward and gain something, to become a man." Did he say any thing more on the occasion? He told me, and I answered him, No, I have seen no jokes; and he said, Have you not seen Bergami put the Princess on horseback, and put his hand under her petticoats. Did you make any answer to that? Yes; I told him that this was a real falsehood, for instead of that, he paid her all the respect and decency which was due to that great personage. Was any thing more said? Yes, at other times, whenever I went to his shop, so I was obliged at last not to go to his shop, for there was always so much bother. He annoyed me so much.

Cross-examined by the ATTORNEY-GENERAL.

Then Ruganti never called upon you; but this conversation passed when you went to his shop? Yes, it is a fact; I will swear it. When did this conversation take place? When I went to buy something. But the time? I do not know precisely; it happened the last year. About what time in the last year? He said it so many times; whenever I went to his shop, he always said it; and even went so far as to say he would wage war against it till death; there were four or five persons present. Can you name any of those persons? I could name Antonio Viradi, who was present; the others I cannot tell—I know them, but not their names. Who is he? He is a man who frequented the shop. Where does he live? At Milan. What part of Milan? I do not know. What is he? I do not know whether he is employed in the police, or any where else. Did he hear this conversation as well as yourself? He did not speak to me directly; he spoke to all who were present. Then it was a general conversation in his shop? Yes, to all who were present. Do you not remember any of the others who were present? It is impossible; for I did not know this affair would happen or I should have paid more attention. This conversation occurred frequently at Ruganti's shop? Yes, about four or five times, and I was obliged not to go any more; owing to these annoyances. Did you go to the shop to buy things for yourself, or for the Barona? For my own use, for I wanted them. Was Viradi present on more than one occasion? I cannot tell—he might or he might not; upon that occasion I remember that he was present. Was any thing more said by you than what you have stated? I said, that against that Lady I can say nothing; for she is a just woman, and a charitable woman.

LORD LABURNDALE.—Were you present at the balls at the Barona's? Yes; I told you so the other day. Were your daughters there? No, because I have no daughters. How came you to say the other day, that the sum given was a livre for yourself, and half a livre for each of your daughters? I said *figli*, for my eldest son is nine years, and the others are under that age—I had daughters but they are dead. The witness withdrew.

ANTONIO MAJONE examined by MR. WILLIAMS.

Where do you come from? Venice. What business did you follow there? Before, I was employed in the Police; but now a Manager at a Theatre at Venice. Do you know a person named Paolo Zangler? Yes. What is he? He is a Manager of a Theatre. Were you acquainted with him in March, 1816? Yes, I was. Do you remember being in a Theatre in Venice with Zangler, in that year? Yes, at the Theatre of St. Lucia, in the month of November. At that time, do you remember his receiving any letter? He received two at once. Did he open those letters or not? I saw him open them; and he testified a strong motion of surprise when he had read them. After that, did you and Zangler go together to Milan? We did. How soon after the receipt of those letters? Six or seven days, or thereabouts. How did you you go? By the diligence. When

you arrived at the place from which the diligence set out, was there any money deposited there for the use of Zangler? On the following day, after his receiving the letters, we were at the diligence office together; and I saw Zangler receive 15 Napoleons, which had been sent to him from Milan. When you arrived at Milan, did you go with Zangler to a house in the quarter Orientale? Yes, we went there to look for the number 660, according to the directions we had received. Did Zangler go into the house 660? He did. Did you go in with him? No; he told me to remain below. How long was Zangler in the house? About a quarter of an hour. And you waited for him? Yes. Did you go together to the inn afterwards? Yes, we did. While you were at Milan did you go with him to another house? Yes, to the house of Vilmercati the Advocate. What street did he reside in? In the street——. Did Zangler go into the house? Yes, he went in and staid about an hour and a half. Did you remain below during that time? Yes. And did Zangler join you again? Yes, and there was another man in company. Do you know a Col. Brown as well as a Major Brown? No, I do not know whether he is Major or Colonel, I have not seen his commission. Were you told he was English? Yes. Do you know the person whom you call Major Brown? I saw him on the following day when he bowed to him. Did they speak to each other? They did not. Did they bow to each other? Yes. In what street does Major Brown live? Porto Orientale. At the No. 660? Yes. Upon the latter occasion did Zangler go up stairs? Yes. Did you go up stairs with him? No, I remained below. Did you see any thing with him when he came down? He had a handful of double Napoleons. How many Napoleons might there have been do you think? He told me eighty; and on seeing them, there might have been as many. Do you mean 80 pieces, or 40 pieces of double Napoleons? I mean 80 double Napoleons. What did he say to you at that time?

The ATTORNEY GENERAL objected to the question. He said there could not be the slightest pretence for asking the question; for there was as yet no evidence to prove, that Zangler was an agent of Colonel Brown or Vilmercati.

Mr. WILLIAMS contended the right to put the question; the question was legal, because it was an action which accompanied a declaration, and assuming that the man said to the witness, if you will do as I have done you can get so much money; and that the witness replied, I will have nothing to do with the business.

The SOLICITOR GENERAL objected to Mr. Williams communicating to the House the evidence he wished to prove.

Mr. WILLIAMS said, it was impossible that he could convince the House that his question was legal, unless he informed their Lordships what was the nature of the evidence he wished to prove by the mouth of this witness.

Mr. TYNDALL argued upon the legality of the question. If the question was allowed, they should prove that money was given to one person, and offered to the witness, to swear against her Royal

Highness. This was one of the facts, to prove that a conspiracy existed against her Royal Highness.

The LORD CHANCELLOR said, that the evidence offered was illegal. Upon the question of agency, which the witness was called to prove by the declarations of one man as to what was done by another, if the declarations were admitted as evidence, it would be reversing the usual practices of evidence, because the best evidence was Zangler's, who could give it better than the witness at the Bar.

Earl GREY said, that he felt satisfied that Zangler must be proved to be an agent of Colonel Brown, or Vilmercati, by some act or declaration of his, which were adopted by them. If he (Zangler) was proved to be concerned in the conspiracy against the Queen, then his declarations would be evidence; but as it has not at present been proved to be in the conspiracy, he must candidly admit that they could not put the question.

Mr. BROUGHAM then began to address the House, but it being past four o'clock, the LORD CHANCELLOR told him, that he should be heard in the morning, and the House adjourned.

THIRTY-SIXTH DAY—OCTOBER 19.

Counsel being called in,

The LORD CHANCELLOR said, that he had it in command from the House to inform them, that the question, on which the debate arose yesterday could not be put in the present stage of the proceedings.

Mr. BROUGHAM said, that Zangler himself must be called to prove the declaration of Brown to him. Now, however singular it might appear, he must in justice to himself and his Learned Friends say, that the point negatived by the House they had not contended for. It had somehow or other been taken up by their Lordships themselves, without any suggestion from the bar, at least from our side of it. The point for which, with all due submission, he did contend, was this, that if he could shew such an acting of Zangler himself, through the evidence of Majone, who could speak of his own knowledge, as would shew Zangler to be a party to what her Majesty's Council called a conspiracy—

The ATTORNEY GENERAL said it was his duty to interrupt the Learned Counsel. He was now proceeding with an argument, when all he had to do was to put a question. This House had decided that the last question proposed could not be put. If her Majesty's Counsel had any other question; let them put it; and if he (the Attorney General) saw any ground to object to it, he would state his objection, and it would remain with their Lordships to decide on the new case raised.

Mr. BROUGHAM replied, that he was only following up that cause which his Learned Friend Mr. Williams was pursuing yesterday, when interrupted by the Solicitor-General. It was a course which had been distinctly pointed out by the Learned Judges, in the opinion which they had yesterday delivered, on the third point sub-

mitted to them. They had said, that evidence of a conspiracy to suborn witnesses against an accused party might be produced, with this qualification, that the proposed evidence should in some way be opened to the Court, in order to enable the Judge to form an opinion as to the probability of bringing the evidence home. This was exactly what he was now desirous of doing; he was about to shew their Lordships how the evidence he was going to adduce bore upon the case. If the Counsel for the Bill, in the extreme slipperiness of their nature, meant to take an objection to the admissibility of that evidence, would it not be more convenient for them first to know what it was they had to object to?

Mr. WILLIAMS was beginning to speak, when

The Lord CHANCELLOR said, No, Mr. Williams, we must come to some fixed rules of proceeding. Mr. Brougham has stated what he proposes, and it is for the House to decide upon it.

Earl GREY was of opinion, that her Majesty's Counsel had a right to pursue the course in which they had just been interrupted; it was perfectly consonant with the opinion given by the Judges.

Lord LIVERPOOL thought that the Judges when they spoke of opening the evidence, referred to the original opening of the defence, after the Counsel on each side had opened the one, the case for the prosecution, and the other case for the defence, he (Lord Liverpool) did not think that there could be any supplementary openings of parts of the case in the subsequent stages of the proceeding. He must remark, too, that as far as he recollected, conspiracy was not opened as part of the defence of her Majesty. The Learned Gentleman, who opened that defence, had said, that he did not charge conspiracy, but merely that the proceedings of the agents for the prosecution were such as persons engaged in the most foul conspiracy would have adopted.

Lord ERSKINE said, that the Judges in stating that there must be some introduction of the defence of conspiracy, did not certainly allude to the original opening. Such a defence might not be known at first; it might arise out of the proceedings, or out of any circumstances coming newly to the knowledge of the party. And he would appeal to the candour of the Noble Earl opposite, whether, upon such a case newly arising, it would be right or fair to oppose Counsel in opening what this new case was?

Lord DARNLEY said, if he understood the Noble Lord (Liverpool) it had been assumed by him that their Lordships were not at liberty to enter upon any points affecting the case before them, which had not been referred to in the opening for the defence. From that doctrine he altogether dissented, as, if the greatest latitude were not given to her Majesty's Counsel, it would be impossible to proceed in this most extraordinary case with the slightest hope of justice. Besides, the difficulties thrown in the way of her Majesty, must have rendered it impossible for her Counsel to ascertain, at the period of opening the case, circumstances which might arise in the course of the investigation, and that might be calculated to establish crimes that had never been in the contemplation of those employed in the

defence. He hoped, that seeing the insufficiency of the evidence in proof of the case, and that so many extraordinary things had arisen to throw discredit upon the charges, their Lordships would, at no very distant day, give up the case altogether, as the only expedient by which substantial justice could be done.

The Lord CHANCELLOR said, he had yesterday expressed his reasons for differing from their Lordships upon the subject of receiving evidence, which their Lordships had thought proper to hear. It was a painful thing for him to be placed in such a situation; but he should never cease to declare, that no slander, no calumny, should prevent him from conscientiously performing what he considered to be his duty. In the present case, a conspiracy might exist without the subornation of witnesses. It was certainly most necessary to look at all evidence upon such a charge with the greatest jealousy, but the argument that because a conspiracy could be proved, there would be an end to this case, was quite absurd.

Mr. BROUGHAM said, that Mr. Williams was ready to state his view in asking the question.

Mr. WILLIAMS declared, that he never entertained a thought of putting the question with the view of obtaining evidence against Colonel Brown. What he called upon the witness to prove was, that Zangler had told the witness, that if he would give evidence against the Queen his fortune would be made:—that the witness said “How can I do that, as I have never seen her?” and that Zangler immediately proposed to shew him the Villa d’Este, &c. &c. and by that means, to give him sufficient knowledge to enable him to serve himself.

The SOLICITOR GENERAL contended against the evidence, and quoted the case of the Marquis of Stafford and others, to prove, that it could not be received. He contended that there had been no proof of conspiracy that could influence a reasonable mind, and that before evidence of this kind could be received, the strongest grounds of conspiracy should be established, as well as the fact that Zangler was one of the conspirators. It would, indeed, be lamentable, if mere vague speculations were to fix a malignant crime upon other absent and honourable persons.

Mr. WILLIAMS said, it had never been intended to prove the crime of conspiracy by this witness’s evidence, against those who were concerned in the Milan Commission. The evidence he had called was to affect Zangler, and not Colonel Brown, and he was glad that their Lordships now understood the question, and that no reply would be made to what had been stated. A conspiracy might have existed without the knowledge of the Milan Commission. The circumstance of their going over to collect evidence, might have excited an appetite for profit in many persons, and without their knowledge the conspiracy might have arisen upon that foundation. It had been insinuated, that Zangler ought to be called by those who wished to divulge the conspiracy; but they already charged him with being a culprit, and would call upon him to criminate himself. The Learned Counsel asked, if it was at all likely that Zangler, who was charged as a

criminal, should come to the letter missive which her Majesty's Counsel might send for him, even if they should be foolish to ask him to criminate himself. The very act which they could prove Zangler to have committed, was, indeed, a strong proof of the conspiracy; and according to the rules of the Courts below, as decided in the State Trials, and in trials for Conspiracy, it was left to the Counsel for the prosecution to give general evidence of the conspiracy, and then prove the particular acts. As the case was now understood by their Lordships, he (the Learned Counsel) submitted, on every ground, that the question ought to be admitted as evidence.

Mr. BROUGHAM followed on the same side. If he could prove to their Lordships, that Zangler had made the offer which was imputed to him, and had accompanied that offer by the declarations which had been already stated, their Lordships must either admit that proof, or, if they shut out the evidence, they must be prepared to add, that admitting the facts were proved, they were totally irrelevant to the case of the Queen. With what colouring of justice, he would ask, could that be done? The Learned Counsel on the opposite side sometimes called this a judicial and sometimes a legislative proceeding, just as suited themselves or their clients; it was one of the difficulties of the case that it was both. And could their Lordships, acting in the double capacity of judges and legislators, say, that if the offers and declarations of Zangler were all admitted to be true, it would have no effect whatever on their minds on the second reading of the Bill? and this their Lordships must say, or admit the evidence that had been offered. Can your Lordships (said the Learned Counsel) do this? I appeal to every one among you, if, after receiving such evidence, you would not pause before you passed the Bill. I am proving that Zangler made himself an active agent against the Queen, by what he has done. He says to a person he wished to seduce, to become a witness for the prosecution, "Swear against the Princess of Wales, and you shall have a reward." The man says, "I cannot, I know nothing about her." "Oh," cries Zangler, "what signifies that, I will take you to the gardens where she walked with Bergami, to the rooms where she sat with him, and I'll tell you the day and the hour when they were really there; so that you have nothing to fear from exposure. So here, come along with me—take these Napoleons, choose your spot, I will prove the Princess and Bergami to have been there, and you have only to swear you saw it, that's all." This, continued the Learned Counsel, I am prepared to prove; and it would be monstrous to suppose for a moment, that hearing this, any one of your Lordships could lay his hand on his heart, and declare on his honour, that such proof would not make the slightest difference in his mind, as to passing that Bill which was to ruin the Queen. The Learned Counsel begged that their Lordships would always bear in mind, that it was no matter whether Brown or Zangler did this; it was only necessary to prove that such acts had been committed to injure the Queen. It had been hinted, that there might be a conspiracy on the part of her Majesty, at least that there was a possibility of this being the case; but, he would ask, was it at all

probable, that in the month of March, 1818, two years before the trial, and when the Queen did not even know that the trial was in contemplation, that she should have been so provident and acute as to prepare witnesses to rebut the charges of which she could not even dream? Was it possible that her Majesty should have been ransacking records of Parliament, and poring over Fenwick's case in one folio and Atterbury's in another? He would not say that this was not possible; for it was difficult to say what was really impossible; but it was, at least, what lawyers would term a remote possibility. The Learned Counsel said, that her Majesty's Counsel were not putting Colonel Brown on his trial, but defending her Majesty, and it was their duty to go into the means by which the charges had been brought against her. This was a point most material for their Lordships' attention, for if they considered the Queen's Counsel as attacking the Milan Commission, and the Counsel on the other side as defending it, their Lordships might be led to forget the state in which the case now stood, and to render the treatment of her Majesty worse even than they would do by passing the Bill. I, again, beg (said the Learned Gentleman) your Lordships always to bear in mind, that we are only defending the Queen; we are still on the defence; and that our opponents are still the advocates for the prosecution.

The ATTORNEY-GENERAL replied. He said, that his learned Friend could not now say that the question had not been discussed in all its points and bearings. The charge of conspiracy was not now against the persons concerned in the Milan Commission, but against others, totally unconnected with it. His further arguments were the same as he used last night; and he insisted that the question ought not to be put to the witness.

Lord DONOUGHMORE argued against putting the question. He said, if such evidence was admitted, the evidence of any person who might come and say, he was told by another person that a conspiracy had existed, his evidence might be received. Was it to be said, that because that some of the agents had acted improperly, perhaps corruptly, that a conspiracy existed between the whole of the persons employed in the prosecution? Was it to be said, because some overstrained zeal had caused some of the agents to go beyond that line of conduct which they ought to have observed, that the whole of the evidence brought against the accused was completely false, and ought to be wholly repudiated? He knew the object of such a course as that which had been continued for some days. The defenders of the accused say, we have only to charge a conspiracy and the whole case would be destroyed; but they were mistaken, for he was determined to proceed in that course by which the guilt or innocence of the accused would be substantiated.

Lord ERSKINE contended, that the evidence of the witness was admissible.

The Lord CHANCELLOR said, that if the declarations of Zangler to this witness could be received, why was the declaration of a person who had heard Bergami say, that her Majesty had discharged her English suite (which had been disproved by the English themselves

at the bar of the House) for the purpose of allowing him and her Majesty to carry on an adulterous intercourse with greater security? Would their Lordships receive such evidence? No, certainly not; and he was equally satisfied, that such evidence as that which had now been proposed could not be received.

Lord REDESDALE spoke against the reception of the evidence.

Earl GREY said, the question was, whether the evidence offered was legitimate or not. He must certainly admit, that he agreed with the observations offered by several of their Lordships; and he was of opinion it could not be admitted. Before the assertions of Zangler could be admitted as evidence, Zangler must be proved to be concerned in the alleged conspiracy, and when such evidence was given, when Zangler was connected more with the agents of the Milan Commission, then the question could be put, and not till then.

Counsel were then called in, and the Lord Chancellor informed them that the House had determined that the question could not be put.

ANTONIO MAJONE again called in, and examined by Mr. WILLIAMS.

You said yesterday that you went with Zangli from Venice to Milan? Yes. How many days were you at Milan? Two days. What is the distance from Venice to Milan? About one hundred and eighty-five miles. Did you pay your own expenses, or did any one pay them for you? Zangler paid, I did not pay one hundredth part. Did you pay any expenses of your own at Milan? None for this object.

Lord LAUDERDALE—Were the Napoleons in bags, or in papers, when you saw them in Zangler's possession? He had his hand full, and he has a large hand. (*Laughing.*)—Have you any property in the Theatre at Pesaro? No. Did you ever hear that Zangler was in the Princess's service? No.

DOMERIGO SALVADORI examined by Mr. WILLIAMS.

What citizen are you? I am from Treviso. What business do you follow? I am a professor of literature. Where do you live? At Lauzanne, in Switzerland. Were you at Morges in 1818? Yes. Did you see Sacchi there? Yes. Did he hold any conversation with you about the process of her Royal Highness? He did. Did he give any counsel to you upon that subject?

This question was objected to by the Attorney-General.

Mr. DENMAN argued that the question was perfectly relevant. His object was to shew that Sacchi had told the witness that he would make his fortune by deposing against the Queen. It was clear from a great variety of circumstances, that Sacchi was an agent. By reference to the minutes containing his testimony, it would be seen he was employed by the Milan Commission to bring Dumont from Lauzanne. That he had an account at a banker's on that score; that he was also sent to St. Petersburg, and was variously employed, in such a manner, that agency was indisputable. He warmly complained of the sort of interruption by which the examination was impeded, and

had no doubt that their Lordships, therefore, would admit the evidence of the witness, as they could not reject it, except on a principle which would prevent them from conducting the defence of the Queen with any thing like justice to her cause.

The Lord CHANCELLOR asked Mr. Denman to point out the part of the evidence which proved the agency of Sacchi.

Mr. DENMAN read the part of Dumont's evidence, in which she says that Sacchi was sent to Switzerland, to induce her to come and give evidence.

Mr. PARK contended that the passages referred to were quite insufficient to prove the agency of Sacchi.

Lord GREY said, Sacchi was clearly proved to be a direct agent under the Milan Commission; and although there might not be proof enough, according to the rules of the Courts of Law, to prove his agency, yet there was such a connection here, that no person could deny that he was an agent; and as it was proved that he had attempted to corrupt witnesses, it was easy to suppose him wicked enough to swear that he was not an agent to the Milan Commission.

The Earl of LIVERPOOL said, there was no proof upon the face of Rastelli's evidence that he had been employed to procure any other witnesses than Dumont, and he was employed to act legitimately and fairly in bringing that witness to give evidence.

Lord ERSKINE thought it would be best to call Sacchi.

The Lord CHANCELLOR suggested that he should be sent for.

The SOLICITOR-GENERAL wished to know why Sacchi was to be sent for; whether it was to contradict the evidence he had already given, or to give fresh evidence which another witness might be examined upon?

Lord LAUDERDALE wished it to be definitely stated why Sacchi was to be called; was it to prove corruption out of his own mouth, or to examine him upon some fact to impeach his testimony?

Lord ERSKINE said, that the regular course of proceeding was this: the witness should be first examined on these facts, which were to prove corruption in Sacchi, and then Sacchi should be called and questioned as to those facts. It would then be a matter of credit, and their Lordships would have to decide which of the two were to be believed.

Lord GRENVILLE thought it would be best to call upon the Counsel for and against the Bill to argue, on one side the propriety of admitting the evidence, and on the other side, of rejecting the evidence proposed to be given against Sacchi.

The Counsel was called in, and informed by the Lord Chancellor that they were at liberty to argue for and against the admissibility of the evidence.

Mr. BROUGHAM contended, that although the principles laid down by his opponents were just, in general cases, yet that doctrine did not apply to the present proceeding; for although a witness against Sacchi, could not be examined to any offence of Sacchi's out of this case, yet, it did not prevent evidence being given as to his acts of corruption in the case in which he has been an evidence. He had a

right out of his own mouth, or out of the mouth of any other person, to prove his subornation of witnesses, his offers of money, and any other corruptions which he had practised in this case.

Mr. DENMAN asked their Lordships, if in a trial in the Common Pleas, (he was now opening a case to illustrate the present argument) it should be offered to be proved, that on the morning of the trial, the attorney of the cause had offered a person a sum of money to give false testimony on the trial, the Judge would refuse to hear that evidence—no, he was sure he would not, and then he asked their Lordships if such evidence would not throw discredit on the whole proceeding in which the attorney was concerned. So, in this case, Sacchi was proved to be an agent, he was also a witness in this cause, and he had a right to have him called and examined upon those facts of corruption and subornation, in which he charged him with having been concerned.

The Lord CHANCELLOR proposed, that a question should be put to the Judges upon this point, by which means their Lordships might be able to solve and determine this question, having a regard to the general doctrine of evidence. There might be found a considerable distinction between proving declarations, and acts of a person who might have been examined previously. He conceived this to be a most important point, and he was therefore anxious that the question should be decided, first by the Judges, with respect to the practices in the Courts below. He therefore submitted the following question for the consideration of the Judges:—

“Whether it was the practice of the Courts below, when a witness, in the course of a prosecution, has been examined in chief, and not examined in cross-examination, as to any declaration made, or acts done by him, to procure witnesses corruptly in support of the prosecution, it would be competent to the party accused to examine a witness, and to prove such declarations of acts done, without calling the witness in chief to be examined or cross-examined, as to the fact whether he had made such declarations, or done such acts.”

The Earl of LIVERPOOL thought there was a mode of getting rid of this difficulty, without having recourse to either of the two suggestions proposed. This was not a point on which there was any real difference, as to the shutting out the evidence entirely, because there was one way at least in which the examination would be admissible, viz. the calling up Sacchi, and asking him if he made such a declaration. If he denied it the examination might be pursued.

Mr. BROUGHAM said he was at a loss what course to pursue, as the last time a witness for the prosecution had been called by him, he was absent.—(A laugh.)

The Lord CHANCELLOR asked Mr. Brougham if he had any objection to call Sacchi again

Mr. BROUGHAM replied in the negative.

The Lord CHANCELLOR then put the question, whether the witness should be examined on the point, on the ground that there was such a connection between Sacchi and the Milan Commission.

Lord HOLLAND observed, that the majority of the House might be

against the question. He thought the reasons ought to be assigned, and that the examination upon this point ought to be continued.

The Lord CHANCELLOR was satisfied that there was but one correct way of determining the matter, viz. by referring it to the Judges.

Lord ERSKINE then proposed a question to be put to the Judges, which was afterwards read by the Lord Chancellor, which was as follows :

“ Whether, if on a trial, or in other case, in a Court below, a witness is called for the plaintiff or prosecutor, who gives evidence against the defendant in such case ; and if after the cross-examination of such witness by the Defendant’s Counsel, they discover that the witness so examined has corrupted, or endeavoured to corrupt, another person, the Counsel for the defendant may not be permitted to give evidence of such corrupt endeavour by such corrupt witness, without calling back such witness ? ” The Lord Chancellor again read to the House the question he had drawn up.

The Earl of CARNARVON opposed the motion, that the questions be submitted to the Judges. It seemed to him that the House could and ought not to go into the inquiry proposed by the Counsel for the Queen. It would only occasion endless delay. He moved accordingly, that all the words of the Questions to the Judges be omitted, for the purpose of substituting, that the question proposed to the witness be put.

The motion of the Earl of Carnarvon was put by the Lord Chancellor and negatived ; and it was carried, that the questions of the Lord Chancellor and Lord Erskine should be put to the Judges.

The Judges accordingly retired, but subsequently required that time should be allowed for forming their opinion.

The Lord CHANCELLOR accordingly suggested an adjournment, which took place at twenty-five minutes past three.

THIRTY-SEVENTH DAY—OCTOBER 20.

The Clerk of the House read the order of their Lordships, which was that Sacchi should be called in and examined.

The Noble Marquis of LANSDOWNE said, that he could not help calling the attention of the House to the great evil that arose, and which was to the accused very grievous, from the great delay that occurred in the present proceedings. It appeared that every obstacle was thrown in the way to retard their progress. In fact, his memory was pretty clear upon that point ; and he also remembered that Sacchi was ordered to be called forthwith, but it was found that he was not in London.

Lord LIVERPOOL—It is a mistake ; he was not out of London, I believe.

Lord LANSDOWNE—He was, he understood, out of town ; he was not within call at the moment.

Lord LIVERPOOL said, that he was at his lodgings in London, but

it was too far distant from the House to have him called at that time, as by the time he could have arrived, the House would have adjourned.

Counsel were called in.

Chief Justice ABBOTT then proceeded to deliver the opinion of the Judges, upon the question submitted to them yesterday. Upon these questions, the Learned Judge observed, that according to the practice of the Courts below, the proposed proof could not be admitted, without a previous cross-examination of the witness. If, when called upon, the witness admitted what was alleged against him, then counter-proof would become unnecessary; if he denied what was asked, proof might be called against him; or if he refused to answer the questions altogether, in order that he might not criminate himself, then the Counsel for the defence would be equally entitled to call their testimony. In the present instance, according to the framing of the first question, acts as well as declarations were referred to; but as these acts arose out of declarations he did not see any solid distinction between them. The Learned Judge concluded by stating, that both questions must be answered in the negative.

The Lord CHANCELLOR asked Mr. Brougham if he had any objection to call Sacchi now.

Mr. BROUGHAM said, it was a very different thing, calling Sacchi yesterday, and deferring his examination until this day. Had he been called yesterday, he (Mr. Brougham) would have been in a better situation.

The short-hand writer, at the request of Mr. Brougham, who said, he had good ground for the question, without calling Sacchi, was desired to read the questions and answers put yesterday.

The Lord CHANCELLOR asked the House if they objected to have the last question, put to the witness yesterday, repeated this day. After what the Learned Judges had decided, he (the Lord Chancellor) had no observation to make.

Earl GREY thought, that under the circumstances of the case, the question ought to be put. The connection between Sacchi and the Milan Commission was perfectly established, and that was a sufficient ground for putting the question.

Lord LIVERPOOL said, there was no evidence to prove the general agency of Sacchi, in reference to the Milan Commission.

Lord ERSKINE thought the Counsel ought to be allowed to give any legal evidence to prove the subornation of witnesses. Wherever corruption could be proved it ought to be proved, and therefore he should vote for the question being put.

Earl DARNLEY read part of the evidence to prove the agency of Sacchi. One of the witnesses had said, "I was employed to come by Mr. Sacchi on the part of the Commission."

Marquis of LANSDOWNE said, it was for the House to say, whether agency had been proved, and not for the Judges. If Sacchi were an agent, then the evidence ought to be admitted.

The Lord CHANCELLOR put the question—"Is it your Lordships' opinion, that the proposed question be put to the witness?"

On putting the question, the Lord Chancellor said, the Non-contents had it.

The Lord CHANCELLOR, having desired Counsel to be called in, said "I am commanded by the House to inform you that the question proposed cannot now be put."

MR. BROUGHAM—My Lords, the course in which I have proceeded, has been to show how tainted the whole evidence is, and your Lordships know that the proceeding is by Bill. He had now to announce to their Lordships, that he had concluded that part of her Majesty's defence which related to the mal-practice of the Milan Commission, and the agents employed by them. He should now proceed to another part of the defence.

LORD LANSDOWNE was of opinion that the House could not proceed, consistent with justice, without the evidence of Rastelli, who had been so extraordinarily drawn away from this country. Rastelli was sent out of this country by a passport from the Foreign Office, and he held in his hand the evidence given by a witness (Powell) as to the cause of sending Rastelli away. He (Lansdowne) now contended, that Powell ought to be compelled by the House to produce the documents which he had refused to produce. If Mr. Powell has sworn the truth, if his sole motive for sending Rastelli was to quiet the minds of these persons, if he gave those instructions only, in the letters to Colonel Brown, what motive could Powell have for not producing that part of the correspondence which related to the sending Rastelli out of the country? It was singular that Rastelli should have been sent out of the country, when his evidence was so important to her Majesty's case.

LORD LIVERPOOL said, that the House had ordered the Attorney and Solicitor Generals to support the Bill before the House by evidence—they had done so, and Mr. Powell was an agent appointed to support the Bill. The correspondence between Mr. Powell and Colonel Brown, were not public documents, but private confidential correspondence; and the principle which existed against the production of such documents ought not to be broke in upon. He should oppose the motion, on the ground that it would be a breach of a most sacred principle, which never was, in a Court of Justice, suffered to be broke in upon.

LORD KING was decidedly of opinion, that the motion of his Noble Friend ought to be adopted.—The Noble Earl (Liverpool) admitted the impropriety of sending Rastelli out of the country; but he would go further, he would say, and in any common case in the Courts below, if an agent had acted as an agent had done in this case, he would have been driven out of the Court with indignation by the Judge. The Noble Earl had admitted much, but much he concealed. But he was the only one of his Majesty's Ministers who had been heard on this proceeding; all the rest were most mysteriously dumb on this occasion. The Noble Lords thought they could shelter themselves behind their silence, but they were equally responsible with the Noble Lord (Liverpool). The Noble Earl (Li-

verpool) had said, that he felt not the least interest whatever as to what might be the issue of this proceeding. He was surprised to hear this declaration. The Noble Lord must possess a great deal of nerve, and indeed the whole Administration, who had brought forward this disgraceful proceeding, had more nerve than any English Administration since the celebrated Cabal. He contended that this case was completely hid in mystery, contrary to the assertions of the Noble Lord. And he believed that the people of England would think, and did think, that there was some mysterious cause for sending away Rastelli, which they would not and dare not avow.

LORD ELLENBOROUGH said, that there was nothing mysterious in this case at all, and there required no mystery. He had already given his sentiments on the general proceeding, and had no reason to alter it from what he heard. As to the production of the correspondence between Mr. Powell and Colonel Brown; he should have no objection to it, as it would prove the truth of Mr. Powell's parole evidence.

The LORD CHANCELLOR opposed the production of the correspondence; he said, if Mr. Powell was called to produce documents of correspondence which he had received in his professional capacity, that the Attorney-General might be also called upon to do the same and to deliver up any instructions which he might have received in the case.

LORD LANSDOWNE said, that the documents ought to be produced; their Lordships were the principals in this proceeding, and in the law book it was admitted, that if the production of documents or correspondence was required from an agent, and a principal waved his objection to move their production,—the agent was bound to produce them. The Noble Earl had waved his objection, and Mr. Powell ought to produce the correspondence. He should alter his motion to this, "That Mr. Powell do lay before a Secret Committee of that House, sealed up, those parts of the Correspondence between him and Col. Brown, that relate to Rastelli's leaving this country; and to any instructions that were given as to Rastelli's commission to call upon the relations of persons who had been brought as witnesses to this country."

LORD LANSDOWNE then proposed the following motion:—"That a Secret Committee be appointed to inquire into the correspondence between John Adam Powell and Colonel Brown, as to the mission of Rastelli to Milan in September, and the reason of Rastelli's not having returned to this country."

LORD LAUDERDALE opposed the motion with great warmth; it went to destroy all confidence between principal and agent. Was it right that an agent should be called upon to expose confidential communications? It was a most dangerous and unprecedented proposition.

The Marquis of LANSDOWNE said, that the course of his motion was not unprecedented; for within the last twelve months, in the other House of Parliament, in a case of a breach of privilege, the

correspondence between Messrs. Grady and Smith were produced, by an order of the Commons. Mr. Powell would double down that part of the letters which did not relate to Rastelli's mission, so that the Secret Committee might be satisfied that the whole correspondence upon that subject was produced.

The Earl of LIVERPOOL said, that he had no objection to the production of that part of the correspondence which related to Rastelli leaving and not returning to this country, but he should firmly resist the production of the general correspondence between Colonel Brown and Rastelli.

Earl GREY hoped it was not necessary for him to say that he would not agree to any motion tending to commit an injustice, but he thought justice could not be done without it. The Noble Earl of Liverpool had given a solemn pledge that the witnesses should be forthcoming; and now in contempt of the House, and in defiance of the pledge, a witness had been removed, and by this removal an injury had been done to the House which could never be repaired. If the House wished to maintain its character with the country, the cause of the absence of this witness ought to be sifted to the bottom. He had not been satisfied with the explanation of Mr. Powell, and as that gentleman had referred to the letters of Colonel Brown, as an explanation of the motives of Rastelli's absence, he (Earl Grey) thought it highly important for the ends of justice that those letters should be produced for the satisfaction of their Lordships. It had been said, that it was not usual to refer such papers to a Secret Committee. And that the House wanted was a report from a Secret Committee without further exposing the contents of Colonel Brown's letters. He begged to move as an amendment, "That Mr. Powell should produce such parts of Colonel Brown's correspondence as related to Rastelli," and then he would move to refer them to a Secret Committee. It was indispensable to examine and inquire; and the inquiry should be satisfactory by referring to a Committee the consideration of such parts of Colonel Brown's papers as related to Rastelli. It would be absurd to allow Mr. Powell to give copies or extracts to corroborate his own statement; but the House must, in some way or other, have the original before them. He trusted that Mr. Powell had spoken truth, but it was the duty of their Lordships to see whether the letters of Colonel Brown confirmed his statement. The Noble Earl concluded by moving his amendment.

Earl LIVERPOOL said, if the Noble Earl meant copies of such parts of the correspondence as related to Rastelli, he would have no objection to the motion; but he must object to the production of the originals, which might contain matter not relating to Rastelli. The Secret Committee would take means to have those copies duly verified.

Earl GREY—The Secret Committee ought to have the power of examining Mr. Powell, and comparing the copies with those parts of the originals from which they were taken, so that there might be no doubt of their correctness.

Earl MANVERS said that he was ready to vote for the examination,

as he considered the character of the House compromised by the absence of Rastelli, and by the unsatisfactory mode in which it had been accounted for; it was a stigma which they owed to the country to wipe off as speedy as possible.

LORD ROBERT SOMERS would concur in the objection to the motion, if it was to be made the means of doing away the usual course followed upon the rules of the Constitution. How could any man be hereafter engaged in any cause, if he was to be exposed to have his confidential correspondence exposed to the public? The House should proceed upon correct and invariable principles. He understood the Noble Lord. (Manvers) to say, that the conduct of the witness Rastelli reflected upon the country.

EARL MANYERS explained.—He had made no reference to the witness, but to the unsatisfactory explanation which had been given by Mr. Powell, whose character required some further elucidation before it could be well established. He would move for some inquiry into the mysterious circumstances of Rastelli's absence.

THE EARL OF HAREWOOD said he would be the last man to move for a violation of private and confidential communication, but in this particular case he felt it highly important to have the business enquired into; and he was sure that no Committee of that House would violate the confidence reposed in them.

LORD HARDWICK concurred in the motion.

EARL GREY said, the case stood upon circumstances of so peculiar a nature, that it could not operate as a precedent in the Courts below; but even if it could, he would say, that after the open violation of justice in the absence of Rastelli, it was still their duty to inquire into the affair; and if the House would not do so, they were bound to put an end to all further proceedings, as they could not go on after such an obstruction to the course of justice. The Noble Earl then moved his amendment, and said he would follow it up by a motion for the formation of a Secret Committee to examine Mr. Powell, and compare the copies with the originals.

THE MARQUIS OF LANSDOWNE said he would support the amendment of the Noble Earl (Grey), and he hoped the committee would avoid going further into the correspondence of Colonel Brown than to ascertain all which related to the absence of Rastelli.

LORD CARNARVON said, the Amendment would merely empower Mr. Powell to make out his own case, and produce extracts which they could merely verify as to words, without knowing whether he had or not submitted garbled extracts. This would not be justice to the Queen or to the country, and if their Lordships wished to elicit truth, the course which they now wished to take was certainly very ill calculated to obtain it. He thought it due to her Majesty to call in her Counsel, and hear their arguments.

LORD LANSDOWNE said, it was not a question between Counsel, but an inquiry of the House to ascertain why their order had not been complied with. He would persist in the amended motion, as preferable to the original.

EARL GREY thought if they had power to verify the extracts

given by Mr. Powell, they would be able to elicit the whole truth.

The LORD CHANCELLOR put the amended motion for calling Mr. Powell to the bar, and desiring him to furnish extracts of the correspondence of Mr. Powell, and also the motion for appointing a Secret Committee.

Contents for Lord Grey's motion, 120

Non-Contents, 79

The following Peers were appointed on the Secret Committee:— Lord President, Grey, Rosslyn, Manvers, Arden, Ellenborough, Lauderdale, Erskine, Ross, Amberst, Lansdowne.

The LORD CHANCELLOR ordered the Counsel to be called in.

Mr. BROUGHAM—My Lords, I beg to call your Lordships' attention to a circumstance which was discovered last week during the examination of a witness, I mean the fact of Rastelli being sent out of the country. I then said that facts had come to my knowledge, some of which have been elicited in evidence, of the mal-practices of Rastelli, and your Lordships allowed me again to examine that witness as to those facts. The witness being absent, I could not examine him. Your Lordships, I hope, will make inquiries into the motives which caused Rastelli to be sent away, for it is impossible that I can proceed with that course of examination, proving the conspiracy that I have alleged, unless I can examine this witness. The chain of evidence was broken off by his absence, and if we cannot examine him, I hope and trust your Lordships will allow us to examine the person that sent Rastelli away, Mr. Powell.

The Earl of CARNARVON said, that it was impossible her Majesty's Counsel could prove the innocence of their client if persons who came and swore to her guilt were to be sent out of the country, after they had perjured themselves, and were not liable to punishment for their offences. He moved, "That Mr. Powell be called to their Lordships' bar to be examined forthwith."

Lord HOLLAND said, that a *select*, that is, a Secret Committee had been appointed: and that Committee was not, he knew, to divulge any thing that was brought on before them, either to the Counsel or to the public. There never was so strange, so absurd, so anomalous, and so mysterious a proceeding. An obstruction of justice had taken place, and the Queen's Counsel had a right to fully complete the inquiry that had been begun by their Lordships; they had a right to sift the motives that induced Mr. Powell to send Rastelli out of the country. They ought to have Mr. Powell placed at the bar, and the Queen's Counsel ought to be allowed to elicit from him the whole truth of this scandalous affair, that the injustice of the case might be completely developed. If they were not likely in this detestable proceeding ultimately to arrive at substantial justice, they had better cut the gorgan knot, and give up the case at once. It had been said that Bills of Pains and Penalties formed part of the constitutional laws of the country, he should like for the Noble Lord to state what was the mode of receiving evidence in such proceedings, and whether it was confined to the practice of the Courts below. The

only object the House ought to consider was the justice of the case, and if in proceeding after the defence of the case had been completely broken in upon, it was impossible for her Majesty to have justice, the contemptible proceedings had better been given up.

The LORD CHANCELLOR—I now put the question that “Mr. Powell be now called to the bar for examination.”

The motion was rejected.

Mr. BROUGHAM—Call Colonel Olivieri.

The Colonel appeared at the bar of the House.

Colonel ALEXANDER OLIVIERI examined by Mr. TYNDALL:

Were you ever in the service of the Viceroy of Italy? Yes. Were you afterwards in the French army? Yes. What rank did you hold in that army? Colonel. When were you first introduced into the service of her Royal Highness the Princess of Wales? In the month of November, 1815, while she was at her Villa at Como. Do you recollect afterwards seeing her Royal Highness at Rome? I do.—Did she at any time invite you to Pesaro? She invited me in the month of November. Did you pay her a visit at that time? Yes, on the 11th of November. Was her Royal Highness living at that time at Villa Caprina? Yes. In what situation were you to join that suite? As a Cavalier, as one attached to her Court. How long did you serve in that capacity? I continued so till the 4th of November. Did you then receive any other appointment in her Royal Highness's service? I had the honor of being named for her Chamberlain. Were you sole or joint Chamberlain? There was no one else but Bartolomo Bergami and myself. How long did you remain in that situation? Till last February. Do you receive at this time any pension or salary from her Majesty? I do not. Have you received any since the time you left her service? No. Are you a married man? I am. Have you any family? A daughter. Where do your wife and daughter live? At Rome. Were they, at any time while you were in the service of her Royal Highness at Pesaro, with you? No, never. Are you living with them at present when you are at home? I am. You recollect her Royal Highness being at Rome the beginning of August, 1817? She at that time set out from Rome. For what place did she set out from Rome? For Bologna, but I know she went to Senegaglia. Did you sup with her Royal Highness the evening before she set out? I had that honour. What time in the evening or night did she set out upon that journey? About midnight. Did you hand her Royal Highness into her carriage? I had also that honour. Into what kind of carriage did you hand her? In a carrozzina as we call it in Italian; it is an English landaulet. Besides her Royal Highness who got into that carriage? Countess Oldi and the Chamberlain Bergami. Do you remember a little child being there? Yes, a small child. Was Vassali upon that journey? Yes. Was Mr. Hownam upon that journey? Yes. Did you see them in their carriage? Yes, I saw them and I bowed to them. Have ever since travelled yourself in that carriage in which her Royal Highness travelled that night? Yes, but not on that oc-

casion. Have you often used that carriage since? Sometimes. Do you know the carriage well? I do. Do you know who rode as courier from Rome on that occasion? I saw Carlo Forte set out as courier. During the time you were joint Chamberlain, what were the manners and conduct of Bergami towards her Royal Highness? The conduct of a respectful servant. Did you ever see any thing improper or indecorous in his conduct towards her Royal Highness? Never. When her Royal Highness was at Rome, who were the persons who visited her? Many persons of the first nobility. Can you name any of them? There was Cardinal Gonsalvi, Cardinal Bidosie, and others. There were so many, I do not recollect their names. Do you recollect the Princess Angalliano? She was the Dame d'Honneur to her Royal Highness. Do you know the Prince and Princess Gabriela? I do. And the Duchess of Razziana? I do. Did she also visit her Royal Highness? Many times. At the time these visits were made, was Bergami in company with her Royal Highness as Chamberlain? He was. Who visited her Royal Highness at Pesaro? The first nobility of Pesaro. Do you recollect the Governor visiting her? I do. Did the Bishop of Budino visit her Royal Highness? Not at Pesaro but at Budino, when her Royal Highness went there? Has Bergami been received at any of the houses you have mentioned, where her Royal Highness visited, when her Royal Highness was not in company? Yes, I have seen him there many times. Have you ever seen her Royal Highness, when walking, take the arm of any of her suite? Yes, I have also sometimes had this honour. What was the conduct and demeanour of her Royal Highness to the gentlemen of her suite in general?—Affable, but at the same time dignified. After her Royal Highness appeared in the morning, who generally attended upon her?—All those who belonged to her court. How did her Royal Highness generally pass her mornings? After taking breakfast she generally went into her carriage, and then went into her library, or wrote.

Cross-examined by the ATTORNEY-GENERAL.

What countryman are you? I was born at Tivoli, but I live at Rome. Where were you living at the time when you were first introduced to her Royal Highness? I was returning from France to Rome at that time. How long had you been in France at that time? I remained in France to the end of the year 1815, when I went to Milan, and then went to Rome in 1816. Where were your family at that time living? Always at Rome. What Regiment were you in in the army of the Loire? In the staff of General Reignier. How long had you been in the Staff of General Reignier? Till the army of the Loire was disbanded. Was it in November, 1816, that you were personally introduced to the Princess at Como? Yes. How long have you known Bergami? I knew him then, for the first time. You afterwards saw the Princess at Rome; was that the first time you had seen her after you had seen her at Como? It was the first time. Where was it the proposition was made to you to join the Princess's suite? At Pesaro, when I went there on the

11th Nov. 1817. Who made the proposition to you? The Princess caused it to be told to me by her Chamberlain. Then Bergami made the proposition to you? By order of the Princess. In what situation were you in the suite of the Princess when you first joined her—In what situation were you placed? I had no fixed employment then. How long was it before you became Chamberlain? On the 4th November, 1818. Did you continue from November, 1817, when the proposition was made to you till the following month of November, without any fixed employment? Yes. How long did you continue her Chamberlain? Till last February. Where did you quit the Princess's service? At Rome. How long have you been in England? Two months or two months and a half. Do you live in her Majesty's family now? Her Majesty has done me the honour to allow me to be in the house, but I do not form part of the family. Have you been in the Queen's family ever since your arrival in England with Scavini? On the day following my arrival, her Majesty sent for me, and had the kindness to let me lodge in her house. Did Scavini come with you from Rome? No, from Pesaro. Had you remained at Rome from the month of February, when you quitted the Princess's service, till you went to Pesaro to come here? Yes, on an estate of mine, near Rome. Who paid the expences of your journey to England? I believe the Government, I am indemnified by the Advocate of the Princess. Who told you to come to England? Nobody has spoken to me on the subject, but I myself thought it my duty to write to the Queen, when I heard that a process was made, as I saw by the News-papers of Lugano. When did you see Bergami last? At Rome when I left the service of her Majesty. Have you seen him since? No. You say that Scavini paid your expence here; have you received any thing besides your expences? No. How much was it you received from Scavini? Eighty-five pounds sterling. How long and how often were you at Como, in November, 1816? I was at Como once. Did Mr. Hownam and Vassali go in the same carriage with you on the journey from Rome to Senegaglia? They were in two separate carriages. Who went besides? Those I have mentioned, and the two Chamberlains, Mr. Austin and L. Bergami; I remember no other. Are those all you recollect? Those I remember, but I remember no more. Was Scavini one? He set out on the following day. How many carriages accompanied the Princess? I think two, besides her own two or three; two certainly. Do you know the Courier Sacchi? I do. Did you see Sacchi set out on that occasion? No. Will you swear that Sacchi was not a courier on that occasion? I did not see him—I swear not to have seen him—I saw Carlo Forti set out, and I did not see other couriers set out. At what time did Carlo Forti set out? Together with the carriages of the Princess. Was that from Villa Brandi? From Villa Brandi. How often had you seen Sacchi at the Villa Brandi? Almost every time I had the honour to dine with the Princess. Was Sacchi at that time one of the couriers of the Princess? I do not know if he was a courier, because I saw him in the dress of a bussar. Can you mention the name of any English ladies who

visited the Princess at Rome? On the days I went to dine there I do not remember to have seen any—I have seen some of the Roman Nobility, but I do not recollect to have seen strangers. Did Louis Bergami, at Pesaro, dine at the table of the Princess? Sometimes he did. Did he not always dine there when he was at Pesaro? I have not seen him always. Was the mother of Bergami ever at Pesaro? She was there sometimes for a little time, but she seldom dined with the Princess because she was almost always ill. But did she never dine with the Princess? Yes, sometimes. Do you know the wife of Bergami? No. You never saw her at Pesaro? No.

Re-examined by MR. TYNDAL.

You were asked whether you had ever seen Bergami's wife at Pesaro; have you ever seen your own there? Never, she never came to Pesaro. The witness added that the Princess was at Rome while the *maladia* prevailed there, so that the English ladies of consequence had gone away.

Examined by the PEERS.

At what hour did Count Sciavini leave Rome on the day after the Princess? On the following evening with the baggage. In what situation was Faustini in the suite of the Princess? I think she was charged with the linen, but it did not belong to me, and I do not remember.

By EARL GREY—Did you know Sacchi when you entered into the service of the Princess? I had known him at Rome. Did you know him when he was in the army of Italy? Never.

By the EARL of LAUDERDALE—Where did you see the *Lugano* News-paper which informed you of the proceeding against the Princess? At Rome. The witness was ordered to withdraw, and it being now four o'clock, the Lord Chancellor adjourned the House.

THIRTY-EIGHTH DAY—OCTOBER 21.

Counsel was ordered to be called in.

MR. POWELL was called to the bar, and desired to produce the correspondence between him and Colonel Brown, relating to the Commission of Rastelli. Mr. Powell produced the documents sealed up.

The EARL of LIVERPOOL said, that the House were bound to believe that Mr. Powell had in obedience to the order of their Lordships produced all the correspondence relating to Rastelli's being sent out of the country.

EARL GREY said that Mr. Powell should be examined. As to the right of examining him no one could doubt it.

The EARL of DARNLEY said a few words, and Mr. Powell was ordered to withdraw.

A witness was ordered to be called in.

THOMASO LAGO MAGGOINE *Examined by MR. WILDE.*

Where do you live? Near Como. What occupation do you follow?—

I am a fisherman. Were you at any time employed as a boatman to the Princess of Wales? No. Do you know Juseppe Guggari?—Yes, he is a fisherman. Have you been in a boat when the Princess and Bergami was present? Yes. Did you ever see those persons kiss each other when in the boat? No. In what part of the boat did her Royal Highness sit? On the left. Did you sit in such a situation as to see her Royal Highness? I did. Has the boat lights? Yes. If they had kissed must you have seen it? Yes.

Cross-examined by the SOLICITOR-GENERAL.

How many times have you conducted her Royal Highness from the theatre at Como to the Villa? 10 or 12 times. Will you swear you have not 20 times? It might be still more but I cannot say positively. When you conducted her Royal Highness from the theatre to the Villa, how many boatmen were in the boat? Generally 10.—Was it after the theatre was over? Yes; I brought her back to the Villa. Was it at night? Yes. Was the part of the boat in which her Royal Highness sat divided from that part where the boatmen were? The boat was divided in the middle, but it was not separated from that part where the boatmen were? The boat was divided in the middle, but it was not separated. Did her Royal Highness sit behind that part which was divided from the boatmen? The boatmen were in the forepart of the boat, and the boatmen were behind. If I understand, then, the witness the boatmen were on each side of of the place where her Royal Highness and Bergami sat? Yes. Was the place where her Royal Highness and Bergami sat covered? It was covered at the top, and had glasses. Were there curtains? Yes, on the side, but none behind, because there were glasses. Who sat in the place with her Royal Highness and Bergami? A magistrate of Como and a musician. Did not her Royal Highness and Bergami sometimes go alone? Never; the boat was always full of gentlemen. Will you swear the boat was full of gentlemen when it went with her Royal Highness and Bergami to the Villa d'Este? Yes. Who did you come over to this country with? We are 12 or 13 of us here. Did you see Count Vassali before you came here? I saw him at Milan. Did he examine you at Milan? No. Who did examine you at Milan? The advocate Potadzi, they told me. Did he write down what you said? He did. Did Potadzi make you swear to the truth? He did. How many times did you swear to the truth of it? I believe twice. Did you tell a different story at those times? No. Having sworn on the first time to your deposition, why did you swear to it again? I have said I was sworn twice, I believe, but I was not certain. Did you swear three times? I cannot say precisely the times. Who was present with Potadzi? An English gentleman. Was his name Henri? I do not know. Was the English gentleman present on your examination? Yes. Were you paid for swearing? No. Do you mean to swear that you were paid nothing? I have received 20 Italian livers. Was that the first time sworn? It was on my setting out on my departure. Do you mean on your departure to this country, or from Milan to Como? From

Milan to come here. Will you swear, that you, never received any money till you set out to come here? Nothing. What have you received since? Nothing. Will you swear, that the only money you have received to come here is 20 livres? Do you swear that you do not expect more money for coming here? If they give it me I will have it; if they do not I will go without. Are you married? Yes. Have you a wife and children? Yes. My wife, a livre a day and my children half a livre. How many children have you?—Four. Half a livre for each child? Yes. Are your travelling expenses paid here? They have fixed for two Napoleons a day for my expenses. Has any promise been made to you to have two Napoleons a day for your expenses? It was not fixed upon. What do you mean by saying before that they had fixed upon two Napoleon's a day? It is not fixed: it was said it would be paid for expenses;—but we have been paid nothing more than that I have mentioned, and I cannot say how it will turn out. Who promised the Napoleons? Potadzi. Where do you reside? Some distance from London. Do you all live together? Yes. How often have you seen Count Vassalli? Once. Have you seen Santino Bougaille? Yes. How long ago? About a fortnight.

Re-examined by Mr. WILDE.

Are you locked in at the place where you live? There are no sentinels—(laughing)—there is a key to every door. For what expenses were the two Napoleons a day allowed to you? For victuals. For how many persons? For each person they have fixed upon two Napoleons. How many francs are there in each Napoleon, and what sort of Napoleons are they? Six livres and a half each, Milan; they are silver Napoleons. Do you know why the allowance was made to your family? Because the Government ordered it to be so. Who is Giuseppe Guggarli? One of the boatmen. On which side of the boat did Bergami sit? On the right. On what side did her Royal Highness sit? On the left of the boat. You have said you were sworn before Potadzi, state how you were sworn, and what you mean by being sworn? Upon the Princess's conduct. Describe all that you did on being sworn? I said what I was asked, and all these things that I had seen, and upon that there was an oath. Describe every thing you did when you saw Potadzi? I gave depositions.

SOLICITOR-GENERAL—When you were sworn did you hold up your three fingers? No. Question repeated—He told me to swear to speak the truth, but I made no sign. When you were told to swear the truth, what did you say? I said, the truth I shall speak.

EARL GREY—Did you take an oath at all at Milan? No, I did not. Did the boatmen sit or stand? They stood. Were they towards the head of the boat? Yes. How many rowers were there towards the head of the boat? Six. On the other side? Four. What oar did you pull, counting from the head of the boat? The nearest to the carriage, behind the carriage. Did Ruglari pull the second oar from the head? Yes. And did you pull the fourth? Yes, close to the carriage.

Police come in the course of the morning you returned from Innspruck? Yes, a few minutes after our arrival. Did he go away and return again? Yes, often. What do you mean by often? He came to inform her Royal Highness of the arrival of persons, the state of the weather, and the way to travel. You have said that you have been in her Royal Highness's room often, were others in her apartment often? Yes. Were there beds in her Royal Highness's room at the inn for her suite? No, the suite slept in an adjoining room. What time did they set out on that journey from Charnitz? At six. Did the preparations for setting out last long at that time? There was not much preparation, because they only waited for horses. Did you ever see Bergami undressed at this inn at all? No. Where did you see Bergami at the inn? I saw him in the kitchen, on the stairs, at the door, and in her Royal Highness's apartment. Do you remember her Royal Highness going to Trieste? Yes. How long did she remain there? A day and a half. Where did you go to from Trieste? To Rome. Were you with her Royal Highness at Rome? Yes. Did you go with her Royal Highness from Rome to Sinigaglia? Yes. How long was she going? Three days. Do you know what carriage her Royal Highness travelled in from Rome to Sinigaglia? Yes, an English landaulet. Who travelled in the carriage of her Royal Highness? Bergami, the Countess of Oldi, and Victorine. Who was the courier of her Royal Highness on that journey? I saw Carlo Forti; he was on horseback. Did you see Sacchi on that journey on horseback? No. How long was Carlo Forti in her Royal Highness's service? I do not know; he was hired at Loretto. Was Sacchi sent with any dispatches to Rome? Not as I remember. Do you know any circumstance which caused you to believe he was not sent? Because he was unwell and tired. Do you know that her Royal Highness or Bergami had a carriage called a pandovanello? I believe that Lewis Bergami had one. Describe the carriage? It will only contain one person. Did you ever see her Royal Highness travel in such a carriage as that? Never. Have you ever seen a dance performed by a person named Mahomet? Frequently. Was that in the presence of her Royal Highness? Sometimes I believe she saw it from her window. Upon these occasions did Mahomet do any thing with his dress? No, it was a simple dance, and nothing indecent. When her Royal Highness was in Pesaro did persons of rank visit her? Yes. Do you remember the Pope's Legate? Yes. Was he at her Royal Highness's villa? At one time very frequently. Did he pay a visit of some days? His visits lasted a considerable time. What was his name? Gandolpho. Was the Prefect another? Yes. Were those persons in the habit of visiting her Royal Highness? Yes, frequently. Did they hold any office under Government? Yes. Did Bergami visit persons of distinction when not attending upon her Royal Highness? Yes. Was he received by persons of distinction? Yes. Have you been with him when he has paid visits to the nobility? Many times. At Rome was her Royal Highness in the habit of frequent intercourse with the nobility? Yes, the first nobility at Rome. Whenever you have

seen her Royal Highness and Bergami together, did you ever witness the least impropriety between them? Never. How long have you been in the army? From the year 1805 to 1815. Have you the honor to bear any decoration? I was honored with the order of the Iron Crown, on my return from the Russian campaign.

Cross-examined by the ATTORNEY-GENERAL.

What was your rank in the army when you first entered it? In the guard of honor in the first company of the Viceroy of Italy. What do you mean by guard of honor; do you mean a private soldier? I mean a simple soldier in the guard of honor. What guard of honor? The guard of honor of the King of Italy. When was the first time you were in her Royal Highness's company? At Durano, at the country house of General Pino; At what time was this? After her Majesty had returned from the long voyage, in 1817. How often had you seen her Royal Highness before you were invited to go to Turin? I saw her at General Pino's house. Who applied to you to go to Turin? Her Royal Highness herself. Where? At the Barona. What salary had you attached to the office you first held of sub-equerry? No salary. What salary had you as equerry? Two hundred louis a year. How long did you continue equerry? Till we arrived at Caprini. When did you first quit her Royal Highness? I did not leave the service of her Royal Highness; I received a letter of dismissal. When were you recalled? In 1819. Did you continue with her Royal Highness from that time till you left her at St. Omer's? Yes. You have said that you have accompanied her Royal Highness to Munich, did Bergami dine more than once at the King's table? Yes. How many times? I cannot tell. How long were you at Munich? I think between ten and fifteen days. Where did her Royal Highness dine the first day at Munich? At the inn. Where the second day? With the King. Where did her Royal Highness dine the third day? I cannot say precisely where we dined every day. Where did she spend the third evening? I do not know. Where did she pass the evening of the fourth day? Some evenings we spent with the Prince Beauharnois, sometimes with the King, I believe twice with the King, and twice at the state table. Where did you go from Munich? To Nuremberg. Where did you go to from Nuremberg? I cannot say precisely. How long were you on that tour? Three months, or thereabouts. How many days were you at Carlsruhe? From the 25th to the 30th of March. What time of the day was it that you set out from Carlsruhe? After dinner. How far is the inn at Carlsruhe from the Grand Duke's palace? About three minutes ride. How far is the Margravine's palace? Nearer than the Grand Duke's. What time did you dine at the Grand Duke's? About three o'clock. What time did the Theatre begin? About half past five or six. At what time do the conversations begin? Half past seven or eight. Where did you dine at Carlsruhe the first time? With the Margravine. Did Bergami dine there? Yes he did. Are you sure he dined there the first day? Yes. Where did Bergami dine the second day?

What salary have you now from her Royal Highness?—I have no salary but a pension. How much is that pension? 500 sous a year. Did you take any money out with you when you went to Milan? I never travel without money. Who gave you the money? I received 100*l.* from Mr. Coatts. On whose account did you receive it? I had it to go the journey. Who gave the order on Coatts? Her Majesty. Did you receive any money from Marietti when you were at Milan? Yes; by order of Mr. Henzi. How much? Fifty-two thousand livres. Is that all you have received? Yes, all. Either there or in England? I had some at Venice. How much at Venice? I believe one hundred Napoléons. Who travelled with you to Venice? I went there with a son of Mr. Wood's. Did you travel with any other person besides Mr. Wood to Italy? With a courier and Mr. Moani; I travelled with no one else. Are you sure that you have travelled with no other person but Mr. Wood either English or foreign? I do not recollect that I did. Where did you travel to besides Venice and Pesaro? To Rome. I never went to Switzerland. From Rome I returned to Milan.

Examined by the PEERS.

By the Earl of LIVERPOOL.—Do you know whether any person slept in the Princess's room at Ghernitz? No one.

By Lord ELLENBOROUGH.—Was Carlo Forti first taken into the Princess's service at Loretto? He entered her Royal Highness's service at Rome. Did you accompany her Royal Highness from Milan to Loretto? Yes; and Carlo Forti, accompanied her Royal Highness in the suite, not as a courier.

By Earl GREY.—Did he travel with her Royal Highness in the journey from Milan to Loretto? Yes, in the suite, but not as a courier. On the second night of her Royal Highness being at Carlsrhue, did she, between seven and eight o'clock in the morning, return to the inn? Yes.

By Lord CALTHORPE.—When you returned from Inspruck to Charnitz, did you immediately go into her Royal Highness's room? Yes. Are you certain that there were other persons in her Royal Highness's rooms besides Bergami continually? I am. Do you recollect any one place where you saw Mahomet perform the dance? Yes, at Villa d'Este. The Princess was at the window? I believe she was there. Do you remember to have seen any lady of distinction or respectability of character in your country ever to have witnessed such a dance? In my presence I do not remember any ladies.

In answer to a question from Lord CATHCART, the witness said that the Queen of Bavaria dined at the table with the Princess many times.

The following questions were put, through the Lord Chancellor, by Mr. BROUGHAM.—

When you said that you never saw any ladies of distinction or character present at the dance of Mahomet, do you mean that no lady of distinction or character might have witnessed it? Without doubt

It was a very ridiculous dance, and no more—without any thing either indecent or improper in it. When you returned from the Palace at Carlsruhe with the Princess, into what room did you accompany her? Into the saloon. Whom did you see there? Bergami, his sister, and another person, came to meet us. Bergami was dressed in a uniform, and the Princess was dressed very splendidly. Did her Royal highness remain in the saloon a considerable time? She did.

By Lord Rossmore.—Did the Princess remain in the saloon during the whole time, until you went to the Margraving's? Yes.

The witness having withdrawn by consent of their Lordships and the Counsel—

Mr. BACONMAN addressed the House in the following terms;—“It is of great importance for me to state to your Lordships the predicament in which I, with the other Counsel for her Majesty, and ourselves placed. We have proceeded thus far with the case of our illustrious client, with what success and fulness of evidence it will remain for the House hereafter to decide. But I now have to submit to your Lordships, that we find ourselves reduced to the necessity of requiring the assistance of the Court before which we are acting, and to recur to the demand made upon its justice in the outset of this proceeding, or of that part of this proceeding which consists of the defence of her Majesty. Your Lordships will recollect, that in consequence of the desire expressed by the House, we began our defence by calling a witness who had been sent over to bring, from Carlsruhe, a person of great distinction, and, as a witness, not only of the highest importance, but of every importance to the Queen's case—who was to prove, not only all that was deficient in our chain of evidence, but to negative the testimony of Kress; who was to follow up all that we had urged against the principle and the facts of the Bill, by shewing, what he alone could shew, that her Majesty was not the person described in the preamble—that she was not given to low habits; that she did not frequent base company; that she did not skulk from the society of her equals; and that, above all, she did not screen herself from interviews with her friends and family relations. On the contrary, he was to prove that long after the time at which the evidence for the Bill applies—long after her return from the long voyage, she came into Germany, frequented the courts of her blood relations and allied connections, and in their presence placed herself with her suite, whom they received; and that there, and not in Italy, she desired to fix her abode, and had adopted measures for taking a palace, where she might in future remain. She had no wish to skulk from thence, but prepared to stay there for the rest of her days, for ought I know, in the immediate neighbourhood of her German relations. After what I have already proved, and after the comments on the evidence on the other side, I consider this evidence complete, decisive, and plenary, and as leaving me not a single stone to remove from the ruins of the structure of the case that has been brought against her Majesty. I am still deprived of this material witness, and this evidence is still withheld from the de-

Yence of the Queen, in the same manner that I complained it had been withheld when the subject was last before the House. I am bound in justice to his Majesty's Government, to acknowledge that they have done all that in them lay, to remove this difficulty. But they have used their influence in vain. The Baron d'Endi, the Chamberlain who was at first so willing to come, until his master refused him leave, is not now to be procured. It turns out again, that when he was applied for, by the King's Minister at Carlsruhe, who was kindly sent to for the purpose, he was again refused, at least as he thought at a private and verbal conference. Afterwards the representation was made in writing, and he was then told by Mr. Burghstadt the Minister, that permission had not been refused to the Baron, only that no steps would be taken to compel him to come. This was stated by the same Mr. Burghstadt, who, it could be proved, was the very man who had compelled Kress to come over and give her evidence. It was then communicated to the Baron, that he might come to London if he thought fit; but the Baron, who was an excellent man, and would have been an excellent witness, was also an excellent Chamberlain; he was a Chamberlain by profession, and with all the faculties of Chamberlains, for no sooner was it announced that he might come, than it was discovered that he was ill of a fever, as if Rastelli's sickness had crossed the Alps to affect him. However it was stated to be of serious consequence, and steps were immediately taken by him for a serious cure. This, of course, was to be a long process, and the Baron refused to come out, well knowing, no doubt, what Mr. Burghstadt was made of, and well knowing also on which side of the question the wishes of some folks must be. These persons paid no attention to the representations of the King's Minister, Mr. Lambe, and all the arguments he could employ, and he put them forcibly and ably, but all in vain; for we know very well, that there is a different inclination at the bottom as to witnesses coming for the Bill and against it. Abroad, they understood one another a great deal better than we understand our Ministers here, and Mr. Burghstadt having made his representation to the Chamberlain, that Chamberlain could take a hint, and suddenly with the compliance of an amiable good creature, and of a faithful honest Chamberlain, he immediately fell sick of an illness which it was difficult to say how he acquired, unless by some communication with Rastelli. When the papers are presented to your Lordships, you will see something to call for comment; but nothing to censure in the King's Government. What I have stated is a misfortune to the Queen, arising from the nature of her situation. Regarding the conduct of Foreign Governments, I will not argue, excepting from what I know; but her Majesty feels the consequences of this state of things, and is now, and for ever, deprived of this important, this all important witness. I throw myself on your Lordships, with entire confidence that the Court will give due weight to this statement, and will not proceed upon the new and monstrous principle, that a person accused of nine or ten things, and who has refused seven or eight of them, though prevented, by unavoidable circumstances, from giving a complete

answer to the rest, is now, for the first time, since justice was known in our Courts, to be held guilty.

The Earl of LIVERPOOL observed, that the absence of the Baron d'Endi was on every account to be regretted. Counsel had done no more than justice in stating, that Government had made every exertion to procure his attendance.

The ATTORNEY-GENERAL asked what course of proceeding the Counsel for the Queen intended to adopt.

Mr. BROUGHAM replied, that he had thought it his duty to give the explanation just heard, and he added—"I shall take till the next meeting of the Court to consider what course I must pursue."

The House then adjourned at a quarter before four o'clock.

THIRTY-NINTH DAY—OCTOBER 23.

The Earl of HARGREYSS brought up the Report of the Secret Committee appointed to examine John Adam Powell, respecting the mission of Rastelli to Milan, and to verify the extracts from the correspondence of Mr. Powell with Colonel Brown on the subject.

The Report stated, that in pursuance of the directions of their Lordships, the Committee had met, and called up Mr. Powell, who said, that the extracts he had presented to the House contained the whole that had passed between him and Colonel Brown on the subject, and that they had verified and compared these extracts with the originals, and found them to be correct.

The extracts divided themselves into two heads. First, the letters between Colonel Brown and Mr. Powell up to the 14th September last. Secondly, the correspondence that had subsequently passed between them. It appeared that as early as the 4th of July, Colonel Brown wrote to Mr. Powell, and stated the great alarm that prevailed in Italy, relative to the maltreatment of the witnesses against the Queen, on their landing at Dover: and he recommended that letters from all the witnesses to their friends should be immediately forwarded to Milan by a courier.

Colonel Brown made similar representations in letters of the 10th, 14th, and 18th of the same month, and also on the 4th of August, in the last of which he said the alarm had increased considerably in consequence of the non-arrival of letters. In several other letters of a subsequent date, Colonel Brown urged the necessity of immediately sending a Courier with the letters from the witnesses, as the attack upon them had been much exaggerated, it being reported in Italy that Rastelli himself had lost an eye, that Sacchi had been killed, and that all the other witnesses had been much injured. Colonel Brown further stated, that these reports prevented other witnesses from coming to England, although they had previously agreed to do so, and mentions in a letter to Mr. Powell the arrival of Rastelli, and expresses his regret that he is obliged to return. In two letters from the Colonel, dated the 1st and 2d of October, he states that Rastelli

is ill of a fever, that he had not seen him since the day after his arrival, and that he is so ill he will not be able to return in less than three weeks.

The Earl of HARKNESS moved that the Report be received.—Agreed to.

The Lord CHANCELLOR moved that the papers presented by Mr. POWNALL to the Secret Committee be sealed up and returned to him.

Counsel were called in at half-past ten o'clock.

Mr. BROUGHAM—My Lords, we wish, with permission of the House, to call back Mademoiselle Dumont;

The SOLICITOR-GENERAL said he was afraid some mistake had occurred with respect to Dumont, who could not immediately attend. Mr. VIZARD, the Solicitor for her Majesty had informed Mr. MAULE that Dumont would not be wanted until twelve o'clock. A messenger, however, had been sent off, and that witness would be produced as soon as possible.

The Diploma of the Order of St. Caroline.

LORD LAUNERDALE said, he understood that Mr. HOWNAM was in waiting, in obedience to the order of the House, with his Diploma of the Order of St. Caroline, of which he had been created a Knight. His Lordship moved that Mr. Hownam should be called to the Bar.

That Gentleman having appeared according to the order of their Lordships, he presented his Diploma of the Order of St. Caroline.

It was read first in Italian, and then in English by the Interpreters.

By His Excellencies, signed by the command of Her Royal Highness the Princess of Wales, and bearing her seat, Her Royal Highness instituting and creating this Order of St. Caroline, to recompense the faithful Knights who have accompanied her on her pilgrimage—(a laugh)—to the Holy Land.

“First, This Order shall be given as a reward, only to those who accompanied Her Royal Highness to Jerusalem, except Her Royal Highness’s physician, Dr. MACCHETTI, who, by a singular accident that happened to him, was not present.”

“Second, Colonel Bartolomeo Bergami, Baron of Branchini, Knight of Malta, and of the Holy Sepulchre of Jerusalem, Esquire of Her Royal Highness, shall be Grand Master (a laugh); and his children, males as well as females, (loud laughter) shall succeed him, and have the honour of wearing this order from generation to generation—(laughter).—“Ab eo usque ad malum”—(loud laughter.)

“Third, This honour and advantage shall be granted to the Knight of the City of Jerusalem, William Austin, and his legitimate children, (laughter,) for ever, and forever (laughter,) shall they enjoy this honour.

This honour shall be personal to Mr. Hownam, of the Royal Navy, and Knight of the City of Jerusalem, and one of the suite of the Princess of Wales, who is created one of the Knights of this Order. The Cross and Patent shall be returned to the Grand Master on the death of Mr. Hownam—(Laughter.)

“The Grand Master shall wear the cross round his neck, and the other Knights shall wear it in their button-holes at the left hand of their coats—(A laugh).—The Order shall be called the Order of St. Caroline, and on the red cross shall be the motto, “Honi soit qui mal y pense.” The colour of the ribbon shall be blue and silver.

(Signed) “CAROLINE; Princess of Wales.

“Colonel Bartolomeo Bergami, Baron of Branchini, Knight of Malta, and of the Holy Sepulchre, Grand Master.” (A laugh.)

The Lord CHANCELLOR asked, whether it was their Lordships' pleasure that the diploma and translation should stand part of the minutes? Ordered.

A considerable pause now ensued from the absence of Mademoiselle Dumont.

Mr. DENHAM, in order that Her Majesty's Counsel might not be suspected of detaining the House unnecessarily, begged to mention the purpose for which they called on Dumont. They wished to examine her as to certain declarations, which they were informed she had made; if she admitted these declarations they would have the benefit of them, and if she did not, she would have the benefit of contradicting or explaining them. He understood this to be strictly within the line of proceeding laid down by their Lordships.

The Lord CHANCELLOR said, that such an examination was certainly within the scope of the rule laid down by their Lordships.

MADemoiselle LOUISA DUMONT examined by Mr. WILLIAMS.

Are you acquainted with a woman of the name of Franchetto Martini? I am not. Do you know a man of the name of Henry Martini? I do not recollect such a name. Do you know a place in Switzerland called Morge? Yes. The woman of whom I speak is a milliner, at that place? I know a *marchande des modes* at that place, of the name of Martini, not Martini—(a laugh, at the necessity of distinction on both). Do you remember seeing that woman, under your amended pronunciation, in March, 1818? I have seen her several times. But I don't recollect in what month. Well, was it in the year 1818? I do not recollect; I may have seen her in that year. I ask you if you saw her uttering a libel in any part of that year? I may have seen her, but I do not positively recollect whether I did or not. I wish you to answer whether you know the woman, yes or not? I know this woman, Madame Martini. Had you not then some conversation with her respecting the Princess of Wales? I do not recollect whether I had any conversation with her; it may be, but I do not recollect. Do you not remember Martini speaking to you on the subject of your Journal? I do not recollect at all of her talking to me on the subject of my Journal. Do you mean to say that you did not hold a conversation with this woman, Martini, on the subject of your Journal? It may be, but I do not recollect. Do you remember speaking to her on the conduct of the Princess of Wales? I do not recollect. Do you recollect saying any thing about the persons who surrounded the Princess of Wales? I do not recollect. Did not Madame Martini ask you a question about the character of the Princess? I do not recollect having any conversation with her on the subject. It may be, but I do not recollect. Do you not recollect Madame Martini asking if the Princess was not a woman of intigie (*une galante*)? I do not at all recollect; I do not recollect having any conversation with the woman on the subject. Will you say that question was not put to you? I do not at all remember if this question was put to me. I have no idea of it. Do you recollect being angry about it? I do not recollect this conversation; I have not

the least idea of it. Do you not recollect that you said that it was all a calumny, and that it was the Princess's enemies who spread the rumours against her? I do not recollect any thing like it; I do not recollect it at all. Will you swear you did not say so? I will not swear. It may be. I have not the least idea of it; before I was put on my oath I never said any thing of what passed in the house of her Royal Highness. Do you mean to say you did not use language to that effect? I have not the least idea of such conversation. No idea of it at all. Will you swear that you did not say so? I will not swear. I do not recollect. I have not the least idea of it. Did you not say that the Princess, from the time she left England, had been surrounded with spies? I could never have said so, because I never saw a spy. Will you swear you never said so? I will not swear it, but I do not recollect having said it. But you said just now that you could not have said it, because you never saw any spies? I do believe that I never said so. Will you swear that you never did? I will not swear it, but I do not recollect. Did you say to this woman, Martini, that the Princess was very unfortunate? I do not recollect this conversation at all. And did you not say that all the actions of the Princess's life were misrepresented? I do not recollect ever saying so. I do not recollect this conversation at all. Will you swear that this conversation or none of it passed in 1818? I cannot swear what I do not recollect. Do you not recollect visiting a woman of the name of Jacroi, at Morge? Yes. When? I have been there several times. Were you not there on a visit in 1818? Yes, I was there in 1818. And had you not then a bonnet altered or repaired by Martini? It may be, but I do not recollect positively. I have had several bonnets altered by her. Did you not tell Martini you had been always about the person of the Princess of Wales? I do not at all recollect this conversation. Will you swear that Martini did not say—'As you have been always about the Princess, you must have observed her actions'? I do not recollect this conversation. It might be, but I have not the least idea of it. Did Martini ask you, if you had ever seen any thing unchaste in the conduct of the Princess? I do not recollect this at all—I have no idea of it. Will you swear that it did not take place? I cannot swear; I do not recollect it at all. Did you not, in answer to Martini's question, say, "My God, it is impossible for any body to be more virtuous than she"? I do not recollect—I cannot recollect having had that conversation with Madame Martini. Will you swear that you did not have it? I cannot swear, but I have no recollection. Do you believe you used these expressions, or any to the same effect, in answer to Martini's question? I do not recollect any such question, but if put, I do not believe I made such an answer. Did you not say to Madame Martini, that in all her persecutions, she, the Princess, had no friend but the old King? I have not the least idea of this conversation. I do not recollect it. Will you swear that you did not say so? I will not swear it, but I do not believe I ever said it. Were you not at Morge in November, 1818? I may have been there in that month, but I do not recollect. I was there in the end of November, or the

beginning of December. Did not Martini ask if the Princess was not much affected at the death of the Princess Charlotte? I do not recollect this conversation. Will you swear it did not take place? I cannot positively swear it, but I have not the least idea of it. Did you not say that it was very natural, as she had lost her only child? I have not the least idea of it. I do not recollect it all. Do you believe that this conversation took place? I believe not. I don't believe it took place. Did you not say to Madame Martini, that it was possible, after the death of the Princess Charlotte, that her Royal Highness would make some reduction in her household? I have not the least idea of such a conversation. I assure you I do not recollect it. Will you swear it did not take place? I will not swear it, but I have not the least idea of it.

Mr. GURNEY read from his notes the evidence of the witness this morning, in which she stated, that she never said any thing of what had passed in the house of her Royal Highness until she was put on her oath. The witness was then asked,

What do you mean by saying, before you were put on your oath? I mean before I was examined, and took my oath here.

Cross-examined by the SOLICITOR-GENERAL.

Before you were examined here, had you been examined any where else? I was examined at Milan. Had you ever said any thing about her Royal Highness before you were examined here? I have spoken of her Royal Highness before I was examined at Milan. What do you mean by saying that before you were put on your oath you had never said any thing of what had passed in the house of her Royal Highness? My meaning is, that I never said any thing of her conduct with Monsieur Bergami.

Examined by LORD LAUDERDALE.

Do you recollect the day of the month you left her Royal Highness's service at Pesaro? It was in the beginning of November, but I cannot recollect the day. Can you say how long it was antecedent to the time when you wrote a letter from Milan? I wrote that letter on the evening of the same day that I arrived at Milan. Do you recollect whether antecedent to your leaving Pesaro, news had come of the Princess Charlotte's death? No.

FRANCHETTE MARTINI examined by MR. WILLIAMS.

Are you the wife of Henry Martini? Yes. What place? Morge. Do you keep a milliner's shop there? Yes. Do you know Louisa Dumont? Yes. How long have you known her? From the time she was at Morge, when she was quite young and learning to work. Was that before she went into the service of her Royal Highness? A long time before. To the best of your judgment, of what age was Dumont when you became first acquainted with her? She might be about sixteen. Have you frequently seen Dumont at Morge? From the time I became acquainted with her, I saw her very often. Do you remember seeing Dumont in Morge any time in 1818?

I saw her in the month of April. On what occasion was it that you saw Louise Dumont? At the counting-house of the *Demoiselles* J—, whither I was called on account of some work which was to be done of *Mademoiselle* Dumont. Before that time had you seen any Journal of Louise Dumont? I read it. When you saw Dumont as you have said, on the subject of some work, did you enter into any conversation with her on the subject of that Journal, or of the Princess? Yes. Do you remember asking any question about the conduct of the Princess of Wales? The first time I spoke to her about her travels, because I had seen her Journal. I am speaking of the time when you were called to do work for Dumont? I understand. Did you ask Dumont any question respecting the conduct of the Princess of Wales, or about the Princess generally? Yes. What question did you put? I observed to Dumont that the Princess of Wales was a libertine. I said so frankly, because such was my opinion. What answer did Dumont make to these observations? She put herself in a great passion, and said it was nothing but calumny, invented by her enemies, in order to ruin her. Did Dumont say any thing more? She said every thing that was good of the Princess; that she had never observed any thing of the Princess but what was good. Do you recollect Dumont saying any thing about spies? She said that ever since the Princess had quitted England, she had always been surrounded with spies; she said something more, that every action that she did, even the simplest actions, done with the best intentions, were misinterpreted, that the Princess knew very well that she was surrounded with spies; but that she did nothing which she was not willing all the world might know. Do you remember enquiring of Dumont any thing about the character of the Princess? Yes; I asked her whether she had ever observed any thing of the Princess? What was her answer? She answered no; that she had never observed any thing; and further, that it was impossible for any person to be more virtuous than "my Princess."—Do you recollect any thing being said by Dumont about the late King, the old King? She said in the course of conversation, that the old King was the only prop the Princess had. Did you know Dumont well, and did she know you well? Yes. Do you remember seeing Dumont again in the course of 1818? Yes. About what time in 1818? In November.

Cross-examined by the SOLICITOR-GENERAL.

How came you to recollect a conversation which you had with Dumont so long ago as 1818? Because I saw her deposition in the public papers, and then I openly manifested my indignation that she could have said what she did to me, and afterwards have made such a deposition. What circumstance led you to think that this conversation took place in the year 1818? Because she employed me in altering a bonnet, and took it back on the 22d of April, 1818, as it appeared by the entries in the day-book. Did your husband in that year fall into embarrassed circumstances? He never was in embarrassed circumstances. Do you swear he never was a bankrupt?

My Lords, yes; neither he nor I.—(a laugh).—It is a short league from Colombier to where Mademoiselle Dumont lives. I have seen Dumont several times, but I have spoken to her but twice; I had not seen her before April, 1818, but I knew she was in the neighbourhood. I had seen her several times at Morge, before she went into her Royal Highness's service.—She came to my shop several times to buy different articles.—The D^{emoiselles} Jacro were present, besides myself and Dumont. When this conversation took place Dumont was on a visit at their house. They heard almost the whole conversation. I was examined on the subject in Switzerland, by a Gentleman, I believe, named Johnson. My deposition was taken down in writing. They did not leave a copy with me. Mr. Barry came with me to this country.

Did any one else come with you? Yes, my husband; I could not travel without my husband along the public roads. Was any money promised to you for coming over as a witness? They told me we should be indemnified in a just and fair manner by the Government of this country. Was no sum mentioned? As I did not know the gentlemen, I would not trust to their word, for two years ago, an Englishman, named Anderson, occasioned to me a loss of 50 Louis; on this account they have placed 100l. at a banking-house, as a security for the performance of their promise. Is that 100l. to be paid to you? Nothing can be paid to me without an order, for it is placed as a security. Have you received any thing? Yes, 70l. on account; for there is a suit against me if I do not go over before the 24th of next month, and not knowing how long I might be obliged to stay in London, I received that sum on account. The gentlemen paid my expenses to this country. We travelled post, for ten days ago we left Geneva. As my whole dependence is on what the Government think proper to give me, I cannot say any particular sum. We have left our affairs in the hands of strangers. Where do you live now? We arrived late yesterday, at midnight. We were placed somewhere, I do not know where, and here I am to-day.

LORD HARROWBY.—In your conversation with Dumont, did you ask her any questions as to the manner in which she was affected by the death of her daughter, the Princess Charlotte? Yes. What answer did she give? She said that the Princess was extremely affected; that she shed tears, and said she had lost all that was most dear to her.—Witness withdrew.

MR. BROUGHAM wished again to call the attention of their Lordships to the subject he had alluded to on yesterday—as to the difficulties and obstacles under which her Majesty's Counsel lay. From what took place in the House on Saturday, and from the papers that had been laid on the table, he wished to call William Leman, clerk to the Queen's Solicitor.

WILLIAM LEMAN examined by Mr. TYNDALL.

I arrived at Carlsruhe on the 14th September. I enquired for the Baron d'Ende; he was not at Carlsruhe, but at Baden; I set out and met him returning; I said, I believe I have the honour to address the Baron d'Ende? He said, Yes, I am the Baron d'Ende; I

then gave him the Queen's letter; he read it, and invited me into his carriage and we went to Carlsruhe, to the Baron's house; he informed me that he would be detained there until Tuesday, and that he had not his minutes which he made while the Queen was at Carlsruhe, and therefore he could not then answer my questions. I saw the Baron on Wednesday morning; he took me with him in his carriage to Baden. He referred to his journal and shewed me some letters he had received from her Majesty; I remained at Baden until Thursday evening.

Did the Chamberlain say he would come to England? Yes, he said he would come, but as his testimony would be official, he afterwards thought that he ought not to go without the consent of the Grand Duke.

The Grand Duke was not at Baden, but soon returned; Baron d'Ende told me he was going to ask permission of the Grand Duke; I went with him to the door: he returned in about half an hour, and said he had bad news for me, he had not permission to go. Next morning I wrote him a letter on the subject, and received a verbal message by a Lieutenant in the Guards of the Grand Duke. The answer was, that he could not make the depositions without the consent of the Grand Duke, and that he did not like to send a written answer to the Queen's letter.

The Earl of LIVERPOOL—When you had prevailed on the Baron d'Ende to come to England, did you think his testimony important to the Queen's defence?

Mr. BROUGHAM said he did not object to the question, but as it was always best to examine principals when they were to be got at, and Mr. Vizard, the Queen's Solicitor, was now in the House, their Lordships could call him, and he would, on his oath, declare that the Baron d'Ende was a most material witness for the defence.

The question was then withdrawn.

In answer to a question from the Earl of DARNLEY, witness stated, when he saw the Baron d'Ende, he appeared in perfect health, and that he was about 40 years of age.

CONCLUSION OF HER MAJESTY'S DEFENCE.

Mr. BROUGHAM.—“My Lords, the difficulties which her Majesty's Counsel labour under, in further proceeding on this trial are great and manifold: no blame is attachable to any person, but to the proceeding itself, which has placed us in a situation of unparalleled difficulty and hardship. The witness Barbara Kress, who was examined against the Queen, has sworn that M. Berstett compelled her to come. M. Berstett did not at least compel Baron d'Ende to come; he gives him leave either to go or not, and permission only to come back; a sort of leave that is given when you never wish to see the person again. It is the way in which Ministers retire when their services are no longer agreeable: for Ministers are never turned out, but obtain permission to retire either for the benefit of their health, or to be relieved from the cares of office? The Baron no sooner saw this permission in fair German characters, than the very part, which he wished Mr. Leman to touch, became sensibly affected, spasms succeeded, and

there is no doubt that the Baron d'Ende is actually ill. The woman Barbara Kress was forced to be a witness, not, by our Government, but by the Government of Hanover. I blame them not; they laboured in their vocation, and the English Government had laboured in theirs, and had honourably attempted to get the attendance of the Baron.— I seriously and solemnly call on your Lordships (continued the Learned Counsel) to consider all the circumstances of this extraordinary case. You have found that our Ministers at home and abroad cannot run into those places whence witnesses have been brought to appear against the Queen, and whence they could not be brought for her. I blame no one? but there is now an *after impossibility of continuing this case with justice to the Queen; and I am sure that his Majesty, if he is the other party, does not wish the enquiry to continue a single hour longer than it can be done with perfect justice.*

The Clerk, by desire of Lord Holland, now read that part of the evidence of Barbara Kress, which related to the threat that was used by the Minister Berstett, in order to compel her to come over to be a witness for the prosecution; and then the letter by Berstett to Mr. Lamb, in which he boasts of his "impartiality and justice."

Lord HOLLAND said, that he could not have reconciled it to his duty to allow the case to go on without drawing their Lordships special attention to the extracts which had been just read.

The Lord CHANCELLOR desired her Majesty's Counsel to proceed. Mr. BROUGHAM—"My Lords, under such circumstances as these, and with the recollection of what passed in the matter of Rastelli, *we feel it utterly impossible to proceed further in her Majesty's defence.*"

APPLICATION FOR FURTHER TIME BY THE ATTORNEY-GENERAL.

The Lord CHANCELLOR asked the Attorney-General, if he had any witness to produce to rebut any part of the defence? If he had, he must now proceed with their examination, as the Counsel for her Majesty could not be called upon to address the House on the whole case, until the Counsel for the Bill had produced all their evidence.

The ATTORNEY-GENERAL said, that he was not prepared at the present moment to call any witnesses in reply to the case made out by the other side, particularly with respect to the attempted proof of a conspiracy by the Milan Commission. He assured their Lordships, that the evidence adduced on the other side was wholly unexpected, as far as regarded this illegal conspiracy, particularly as Mr. Brougham had, in his opening speech asserted "that he did not mean to say that their did not exist such a conspiracy." He understood that their Lordships must have understood that it would be no part of his case to establish such a conspiracy. He trusted their Lordships would not call upon him, therefore, without granting some delay in order to produce proper witnesses to rebut this false and calumnious charge. It would be the height of injustice not to allow him the short time which he requested; and he earnestly entreated their Lordships to grant that indulgence which, in the course of this inquiry, had been so often conceded to Counsel on the other side.

Mr. BROUGHAM, immediately after the Attorney-General had concluded, started to his place at the bar, and exclaimed with great ve-

hemence—"I ask now whether your Lordships are or are not a Court of Justice?"

The SOLICITOR-GENERAL interrupted him by observing, that before Mr. Brougham replied, he wished to make a few observations.—Their Lordships could not have forgotten the evidence of Pomart; and he was sure they need not be told how necessary, how absolutely essential it was to justice, that his evidence should be satisfactorily contradicted. He did not, therefore, think that, after the accusations brought forward on the other side, (brought forward, too, without any specific notice,) their Lordships would be of opinion that too much was now claimed from their indulgence. The instant it was known that Colonel Brown could be wanted, a messenger had been dispatched to Milan for him.

Mr. BROUGHAM then proceeded to reply with great energy. Nothing he had heard induced him to depart from the question he had asked;—whether he was now to be told that this house was not a Court of Justice. Whenever it suited the purpose of the other side—whenever by so doing they could exclude inconvenient evidence—whenever they wished to bind the Queen's Counsel by nine-fold technicalities, by reference to the analogies of Courts below—whenever they hoped to prevent the discovery of conspiracy, subornation and perjury, by involving the case in difficulties and mazes, then the other side insisted that the House was no branch of the Legislature, but a Court of Justice, to be confined to the forms of judicial proceedings. When, on the other hand, they desired to abandon all forms—to defy all regularity—to fly in the face of all rules in Courts of Justice, and to seize upon principles which had never entered into the head of any practitioner; then, all of a sudden, it was again a House of Parliament, and not bound to any forms of Courts; because, forsooth it was above them. He asked, whether since justice was first administered in the land, any thing so contradictory—so monstrous, as this proposition had been, he would not say entertained, but attempted? The Queen was on her defence, not Col. Brown, he was not on his trial; but because his name had been mentioned, because his conduct had come into question, the Queen was to be forgotten; no, not forgotten, but to be injured—to be trampled upon by Lieut. Colonel Brown, of—he knew not what Hussars, but he well knew of what Milan Commission. When before now had any Court in the world been called upon even to contemplate such a deviation; yet, in this instance, every thing was to be taken against the Defendant who ought to have all presumptions in her favour, and for the prosecutor, because, forsooth, one of his favourite agents had got into some jeopardy, in the course of the Queen's defence. It was not true that the Counsel for the Bill had been taken by surprise; they knew that a conspiracy was part of the defence, and if, in his opinion, he (Mr. Brougham) had not directly charged any man as a conspirator, he still adhered to the fact of a conspiracy, and if he had abandoned the man it was only to stick close to the thing. He had always studied to avoid the repetition of this odious word, and to this moment he was desirous of using it as little as possible. He would, however,

maintain, that this misconduct (call it what you might) had had the effect of materially damaging her Majesty's case. If these plotters against her Majesty expressed so much dislike to these harsh terms, it shewed they were more duped in the business than they imagined. Could any man believe (making what allowance they pleased for the statement of Counsel) that in an instant it was not intended to bring evidence respecting the plot against her Majesty, and could it be supposed that Colonel Brown was entirely out of the case? Did any man imagine that the innocent Colonel Brown would be entirely omitted. Upon the common sense of any honest man he was willing to rest his case. Could it be said that the other side had been taken by surprise, when, by reference to the evidence of Pomarti, it would be seen that his Learned Friends had cross-examined that witness, putting questions to him, which, if they had not certain information of what he was to swear they could not have imagined. No sooner had the name of Benfiglio Pomarti escaped his (Mr. Brougham's) lips than these innocent parties, agents to the still more artless individuals forming the Milan Commission, than they caught at it with the greatest avidity, and now they complained that they had been taken by surprise. The intelligence of the other side regarding Pomarti, had been derived from a suit instituted at Milan, to recover damages for the base conduct of Vilmercati in procuring the papers belonging to her Majesty—that very conduct which formed the proof of those innocent, artless, harmless individuals. Would their Lordships stop short in the proceedings; would they continue this kind of ferment and irritation, by which his illustrious client was at this moment so severely afflicted?—Would they permit this deviation—this plunge out of all regularity of proceeding for the sake of giving the other side an opportunity of mending a rotten case, which the evidence of artlessness had shattered still more, and thereby of adding new torments to the situation of the Queen, in consequence of this proceeding, compounded of needless, gratuitous, shameless cruelty, as well as of the most crying injustice.

Mr. DENMAN followed on the same side. The proceeding was one of the most anomalous nature, and the application of the Attorney-General was as extraordinary as the rest of the case. Upon what ground of equity or of justice could this delay be asked. It was an absurdity to say, that Colonel Brown could not be here, because the same ship that brought his instructions to this country might have brought the individual himself, but what was asked by the other side? That the character of the Colonel should be cleared, that the character of every one should be cleared except that of her Majesty. He had heard disgusting eulogies upon the personages forming the Milan Commission, and his Learned Friends had gone even so far as to leave blank eulogies, to be filled up when the occasion required.—Was it to be believed that the Attorney-General did not know the defence which would be established on the part of her Majesty?—Every page of the evidence gave the lie to the assertion. He trusted that their Lordships would see the injustice of granting any delay at the present moment. The feelings of her Majesty were most

accute on this most interesting inquiry, and any lapse of time might, in fact, be a far greater punishment than any sentence which their Lordships might hereafter pass upon that illustrious personage. The question was, as his learned friend who preceded him had stated, were their Lordships or were they not an English Court of Justice. Her Majesty asked for no indulgence—it was a right which she demanded, that the case might be concluded without further delay. He (Mr. Denman, with much vehemence declared, that he would satisfy their Lordships, the country and posterity, that her Majesty was entitled to the most honourable acquittal.

The ATTORNEY-GENERAL said, her Majesty had been allowed every indulgence which could have been granted under the circumstances of the case; and she has been allowed greater concessions than he would venture to say had been given to any accused individual. He maintained that he was making no unheard of application, and that in common justice he had a right to call for time to produce Colonel Brown as a witness. To the gross and unfounded insinuation, that he had been instructed to make the application, he would declare, that upon his honour, he had made this application without any instructions, and that he had done it with the approbation of those who were most able to give their advice. He had also been accused of having previously applied for delay to their Lordships on the ground of fictitious witnesses being expected from Lugano. On what authority was this infamous and most wicked assertion grounded. It was a declaration which, if it were true, would be an indelible stain upon his character, and compel him never again to lift his head in society. In justification of his character, he denied most completely the truth of so foul an accusation. With respect to the application he had made to the House, he assured their Lordships he had no other motive but of doing justice to all parties, and notwithstanding the taunts and foul suspicions of her Majesty's Counsel, he should fearlessly pursue the strait path of justice.

The Lord CHANCELLOR said, that in the regular course of proceeding, regular he meant with reference to the practice of Courts below, the Counsel in support of this Bill would be entitled to call witness in reply. It appeared to him that the Attorney-General was fully justified in making this application; it was his duty to do so, and the objection to the application now made, came rather hastily upon him (the Lord Chancellor) because, if he recollected rightly, many of their Lordships had previously allowed the propriety of producing evidence in opposition to the witnesses for the Queen, under the express suggestion that time should be allowed to Colonel Brown, and others to appear. He felt bound to state that as one of the grounds for the motion he intended to submit. If the Attorney-General had been justified in requiring delay, the other side had certainly been equally warranted in resisting it; but whether the application should or should not be granted remained for the House to determine. The applications had been made upon two grounds, and he, (the Lord Chancellor,) begged to preface the statement of them, by observing that in the course of the argument just concluded, many topics had

been urged, to which, at this moment, it would not be proper, for him to refer, but which must be most gravely discussed and considered by their Lordships hereafter. The two grounds were, first, the charge against the character of Colonel Brown; and secondly, with reference to the hearing of his evidence on this inquiry. Under these impressions, he took the liberty of assuring their Lordships, that he was not, without an interval, able on this subject to arrive at a satisfactory conclusion.

Earl GREY agreed, that if delay were to be granted, it was a question, whether it should be granted now, or after the witness in contradiction, with which he was always furnished; because if time were now given for the production of Colonel Brown, from Milan, it was obvious to their Lordships that it would be solely for the purpose of obtaining new evidence, and getting up, as it were, a new case against the Queen's witnesses, not at present in the view of the Attorney-General.

The House then adjourned at half-past three o'clock.

FORTIETH DAY—OCTOBER 24.

The Lord CHANCELLOR—My Lords, application was made by the Attorney-General for the proceedings against her Majesty to be stayed, to allow time for Colonel Brown to appear at your Bar, to explain some charges which it was said had been made against him. Your Lordships submitted the question to me for my opinion, and, my Lords, I have, since I saw you last, read all the evidence that at all bears upon the character and conduct of Colonel Brown. First, I must say, that the Attorney-General could do no otherways than he has done; he has a right, and it was only proper, that he should make application to your Lordships. On looking through the evidence, it is my individual opinion, that considerations of justice do not require the proceedings should be delayed, but if your Lordships should be of a contrary opinion, then I shall inform the Counsel, that proceedings will be delayed till Colonel Brown's return.

Counsel were then called in, and the Attorney-General was desired to proceed.

CAPTAIN THOMAS BRIGGS examined by the ATTORNEY-GENERAL.

You commanded the Leviathan when her Royal Highness was on board that ship? Yes. Do you remember Lieutenant Hownam being there? I do. You have stated that Bergami also was there? I have. Had you any conversation with Hownam on the subject of Bergami? I had. Was it a conversation about Bergami's being admitted to dine with her Royal Highness? It was. What did Lieutenant Hownam say? I observed to him, that Captain Pechel had told me that Bergami stood behind his chair when the Princess was in the Clorinde; and I asked him how it was, that Bergami was admitted at the table of her Royal Highness? and he replied, that he had entreated the Princess on his knees, and with tears in his eyes, not to admit him, but to no purpose. Did he say when this happened? No.

he did not state the time. Did he say any thing upon the subject? To the best of my recollection he said, that he had done this the first day Bergami dined at the table of her Royal Highness.

Cross-examined by Mr. BRUGHAM.

Where did this conversation happen? Between Porto Ferraro and Palermo. In what year? November, 1815. Who else was present? I do not recollect that any one was. Try to recollect? We were walking the deck together. Have you had other conversation with him? Yes. Have you seen him here? Yes, he came from Brandenburg House and asked me what I meant to depose here, I declined having any conversation with him on the subject. He came at seven in the morning, and on taking leave, he said he would feel obliged if I would tell him if any alterations had been made in the cabins of the *Leviathan*, as he did not recollect any; upon which I expressed my surprise, and brought to his mind that alterations had been made in his presence. Then he had forgotten the circumstance? I presume so. Captain Pechel had made some objections to Bergami? Yes. He refused to allow him to sit down? He said Bergami stood behind his chair. Did you not say, that you were talking with Hownam about that circumstance? No. Were you not talking about Bergami and Captain Pechel? Yes. And you said that Captain Pechel had refused to sit down with him? Yes. Did you make any note of this conversation? None whatever. And this happened five years ago? I have a perfect recollection of it. When did you mention it? Several times. But mention once? It was brought to my recollection by a letter I received, requesting to know if such a conversation had taken place. When? Seven or eight weeks ago, since the House first met; I wrote a reply, to say, that the conversation did take place. You say it was always in your recollection; will you name any other person to whom you mentioned this conversation? I remember having said so several times. I once told Sir George Colbourn. Oh! one of the Lords of the Admiralty? Yes. How long ago? Four or five months ago. Sir George Colbourn had been asking you some questions on the subject? No. You had commenced the conversation? I forget what led to the conversation, but I remember mentioning it to him. You have had the honour of dining with the King since you were last examined in that House? Yes, at Portsmouth.

Re-examined by the ATTORNEY-GENERAL.

You have the command of a ship at Portsmouth? Yes. When you dined with his Majesty, were the other officers there? Yes, every one of the Captains, without exception.

EARL MORLEY.—When the conversation passed between you and Lieutenant Hownam, did any thing occur to indicate the period of Bergami's dining first with her Majesty? No. Did Hownam say that he had gone down on his knees, or that he would have done so? I understood him that he had done so.

LORD DARLINGTON.—Can you recollect common conversations that occurred five years ago? Generally speaking, not; but I remem-

ber this from the circumstance of Captain Pechel having spoken to me.

Earl MORLEY.—Did Lieutenant Hownam say, whether Bergami's dining with her Royal Highness was incidental, or in consequence of some previous arrangement? I understood him to answer the question which I made, and that his interference had occurred on the day that the charge took place, from Bergami being a servant to his becoming a companion.

The ATTORNEY-GENERAL said, that he would not, as the case now stood, call any more witnesses.

Mr. BROUGHAM.—My Lords, my friend Mr. Denman, tells me he is ready to go on.

MR. DENMAN'S SUMMING UP OF HER MAJESTY'S CASE.

My Lords.—Under any circumstances, it would be highly important for me to solicit the kind indulgence of your Lordships, but there is something so peculiar in my case, that it is necessary for me to solicit the most wide and ample indulgence.—I will endeavour, my Lords, to proceed with all the calmness and mildness due to the truth; but if, during the proceedings, there have been a tone of temper which have drawn down the animadversions of my opponents, I trust that I shall require no other apology with your Lordships than the enormity of the charges, and the complete disproof which we have offered. I feel it due to the Attorney-General to disclaim what has been attributed to me of personal disrespect towards him, and if I could believe that what dropped from me yesterday, was construed by him into a doubt of his veracity, I should know of no adequate reparation for such an attack upon his feelings.—Warm I may have been, and it is impossible for any man who comes here with right feelings not to be so; but I would be the last person in the world to wound the feelings of those who are opposed to me in the discharge of an unpleasant duty. When I consider that the Queen of England has been, from the hour of her first landing in this country to the present moment, visited by the most cruel persecution, it is impossible for me not to feel influenced by those sensations which must influence every feeling mind. These sensations have occasionally, perhaps, made me more warm than I should have been, as it regards my Learned Friend the Attorney-General, in his personal character; but I will not for one moment forego my right of animadverting upon his conduct as an Advocate. I will not scruple to assert, that he has betrayed too much of the spirit of this prosecution, which in its disgraceful duties has weighed him down, and for which no honours, however extensive, can compensate; a prosecution, my Lords, which I would not have conducted for any earthly consideration, for I feel that no purchase can be large enough for the disgrace which must attach to those who upon such grounds have sought to crush the wife of the present King of England. Before I proceed, my Lords, I must once more refer to the indictment. It is there charged, that

my illustrious client, unmindful of her high station and dignity, has raised to the rank of a gentleman, a person who was a menial in her service.—(Here Mr. Denman read the precise words of the preamble, after which he proceeded to comment at great length upon the testimony of Dumont, exposing with clearness and ability, the contradictions and fabrications of that witness.)

The next point to which he would direct their Lordships' attention was not stated in the opening of his Learned Friend opposite, but was thrown into the mart afterwards by Dumont, and then worked into the Solicitor General's summing up.—At page 251 of the minutes it is stated there, that she saw Bergami coming out of his own room after she had left her Royal Highness's apartment, and that Bergami was going towards the Princess's room. (Here Mr. Denman read the evidence from the minutes.) In her cross-examination afterwards by Mr. Williams, it was drawn out of her, that in escaping from Bergami, as she called it, she actually went towards him. As the case stands on this evidence there was as much to prove adultery between Dumont and Bergami, as between Bergami and any one else. The word "escape," gave a colour even to the supposition. Was he to be called on after a lapse of six years, to prove where Bergami slept on some night, not even specified—or because it was said that Bergami's bed, on a particular occasion, was in a certain state, did it follow that Bergami slept in her Royal Highness's room, and not in any other room on that night? Let it first be proved that he slept in her Royal Highness's room, and then the appearance of his bed may be of some value as a corroboratory circumstance. Another fact to which he would now allude to was, the illness of Bergami at Naples. It was indeed true that he was ill; and because he was so, it is asserted, that her Royal Highness goes into his room at night, and remains there sufficiently long to indulge in these embraces which it is the object of the Bill to prove. The witness set out with swearing to circumstances which it was impossible to contradict. He swears that he is sleeping in a cabinet between her Royal Highness's room and that in which Bergami was confined; that her Royal Highness passes through the cabinet at night to Bergami's room, and returns from it by the same way; that she stops and looks at the witness, &c. &c. "Good God," said Mr. Denman, "am I, my Lords, to be called on to comment on evidence such as this?" There was another passage, he presumed, between the rooms, where no one could have seen her, and yet she chooses that in which she must be seen,—and by whom? by a servant, who had just come into her service; in whom she could have no confidence, and to whom she thus gave an opportunity of accomplishing her destruction. This man had overheard several kisses; but when he was called on to give evidence to that fact, he did not recollect those kisses (though he afterwards managed to throw in a few,) and confined himself to whispers; he would not venture on kissing. With respect to this man, he is expressly contradicted by the evidence of Dr. Holland. In page 61 of minutes, that gentleman is asked,—“Do you recollect the Princess coming

into Bergami's bed-room during any part of that illness. Never." Then, my Lords, as Dr. Holland must have been present when that occurred, if it did occur, why did not Counsel in support of the Bill take the opportunity of examining Dr. Holland, before whom such fact was proved to have taken place? Was it proper that such a man should be left to his own unsupported testimony? If the fact had occurred, Dr. Holland would have supported it; if it were false, he would have contradicted it; and an incredible story would not be left to be upheld by a man of such a detestable character. There are other contradictions in this individual's statement which it is necessary for me to go through with;—at page 13 he speaks of a secret staircase; there is, my Lords, a secret staircase, (page 13,) which leads to a small apartment not frequently used.—Lieut. Hownam says it was not a staircase, it was frequently used, and that it led to his room. This person swears (page 15) that Bergami dined at the table of her Royal Highness at Genoa. By the evidence of Doctor Holland (page 15,) and subsequently by Mr. Hownam, it appears that on no one of the occasions so mentioned did Bergami dine with her Royal Highness. Though these are trifling circumstances, they serve to show what description of person this is, and that he is worthy of his hire. I do not think that ever a witness in any court of justice was ever so completely demolished by his cross-examination. We do not charge him with want of recollection; what we complain of is his too tenacious memory in some cases; as his recollection of sleeping with his eyes half open, and many other minute circumstances at Naples, and his total want of recollection of cases of greater moment as "I do not recollect having received any money from Lord Stuart." What reliance, I ask, can be placed upon such a memory? It is quite obvious that this infamous person came here predetermined to earn his money, and determined to ruin his mistress.

My Lords, we now proceed to Genoa, where there is not a single fact established in support of the general charge. From thence to Messina, Catania, and other places. At Catania, my Lords, a circumstance took place, to which it is necessary to pay attention.—It is stated that her Royal Highness passed from Bergami's room through that of the Countess of Oidi to her own, with a pillow in her hand. But upon whose testimony does this fact rest—that of Dumont only. The greatest care was taken not to bring any one forward to corroborate it; and yet by referring to page 278 of the minutes, it would be found that it was impossible to believe that, for another person did not witness this extraordinary fact. Here Dumont is asked whether there was any person with her in this room, and answers that she does not recollect whether her sister was with her or not. Now, my Lords, I assert, that it is utterly impossible that she should not recollect the presence of another person at such an extraordinary transaction. My Lords, there are several other distinct charges which have not been supported at all; but leaving all that rests on the two main pillars of the grand attack—Majocchi and Dumont, I proceed now to persons who have so unequivocally

endeavoured to make her Majesty the victim of fraud and perjury, and to convert her of a crime; of which, as a wife, she could not be legally accused. "My Lords, the word 'conspiracy' seems of late to excite exceeding horror in this country—so great indeed, that adultery is to be credited upon any vague surmise or incredible testimony, rather than the existence of such a crime. Yet, my Lords, its commission is not only well known in this country, but even frequent. There have been persons found to gratify Princes in all ages, when they have condescended to indulge the lowest passions in the highest places. The case of Anne Boleyn is too well known to be dwelt upon. Evidence was then offered of the guilt of that unhappy lady with her own brother, which has been since entirely discredited evidence, which, however, was infinitely more respectable than that which has been offered against her present Majesty. But we have an instance of a conspiracy, that of 1816, which it was impossible to forge. What were the principal measures on that occasion? In the year 1813, 1814, when it became the pleasure of his Majesty, then Prince Regent, to separate the mother from the daughter, was there no imputed perjury to get rid of? What said the members of council of February, 1815, that there was not the slightest foundation for the expression of sabbatized traducers, as applied to the conduct of his Royal Highness the Regent. He (the learned counsel) was by no means desirous to counteract this desirable exculpation, but these very words were sufficient to imply the existence of a conspiracy, and that there was nothing either forced or extraordinary in presuming or asserting it on the present occasion. If documents of such a nature were of such easy acquirement in England, what but a verdict of acquittal could follow the unsupported testimony of this victim, of a country which, owing to unhappy circumstances, had become the notorious nursery of fraud, forgery, and assassination, and this too upon common occasions. How much less deserving of credit when excited by the hope of reward from a quarter so fully able to bestow it. There never was, in the annals of courts of justice, a case in which the evidence had so completely disproved the opening statement. And this had not arisen from any of the ordinary casualties of the profession. It might happen that a Counsel had not read his brief; that he had been taken by surprise, or that he had not time to call up witnesses; but in the present instance they had had the Milan Commission and the Hanover Commission; they had spies of all nations; witnesses sworn in Italy and in England; a period of six weeks allowed to prepare the evidence in the total absence of all other business. Yet, the Attorney-General completely failed in proving any part of his statement. He, therefore, confidently passed to subsequent transactions. Mr. Denman then referred, in support of what he had said about conspiracies, and the facilities of getting them up, to the report of Roger North's Life of the mode of hiring false witnesses in the Levant, on which Mr. North remarked, that his brother always preferred a false witness to a true one; because having his tale ready, he was less easily baffled.

Mr. Dumont, after a pause of about half a hour, at half past two, continued his summing up, and adverted to the period when, her Majesty was on board the *polacca*, on her voyage to Jerusalem. At that time she was lying upon her side, and might be called delightful familiarity with those who attended her person. In the tent, she reposed at night, finding that the more agreeable place for sleeping, on account of the inconvenience which she felt in the cabin below. This was one of the facts in which it might be thought not improper for him to advise their Lordships to be cautious in what point of view and in what manner they considered the evidence relative to this particular fact; he would maintain, and he believed, that every honest mind would agree with him, that there ought not to be the least suspicion of guilt upon her Majesty, when the whole circumstances of the case were reflected upon. It was no proof, that, Victoria, that Dumont, and many others of her Royal Highness's suite, were continually in the tent with her Majesty; Lieutenant Hayward had also, in the course of his evidence, stated, that her Majesty was very much fatigued and oppressed in the course of the voyage. He desired any honest man to lay his hand up his heart, and declare, that, there adultery was committed. It was said the beds were regularly prepared; but it appeared afterwards in evidence that those beds had bed clothes, and afterwards came out, that these two parties, who were said to have this criminal intercourse, were both of them, with little alteration in the same dress as that which they wore by day. The witness Dumont, had laid great stress upon the dress of the parties, in her examination in chief, but, in her cross-examination, it appeared, that there was not the slightest foundation for her gross insinuations. If the whole of the disgusting scenes at Naples were negatived, and the facts proved to be untenable—if it was perfectly clear that the imputations were founded upon facts which did not bear them out, and that the worst of all falsehoods had been practised, by giving the appearance of truth to that which was known to be a lie, her Majesty's innocence would appear to every one of their Lordships. The cause of her Majesty sleeping on deck, as has been proved in evidence, was the noisome smell of some animals in the ship; he put it to the good sense of their Lordships, whether, if her Majesty had been the blind victim of this man, such a step would have been taken? Was it to be believed that she would have withdrawn herself from his secure embraces, where no eye could have seen her, and that she would have transferred herself to the public deck, in the immediate neighbourhood of the streetsman, and subject to the constant interruption of the crew, if she were really guilty? But was it in a military tent in which her Majesty had placed herself? No, it was the mere awning of the ship; it hung loosely and formed a large room upon deck. There were two beds placed at a distance from one another, and the hatchway was always open. It was singular that this fact appeared, not in examination in chief, but in the cross-examination. Their Lordships had been told the awning of the tent had been let down, and that intercourse had taken place during the day. This was a gross calumny, and there was not the

least proof that adultery had been committed. From the 30th July to the 17th August, her Majesty was on board the *palmera*, and during the journey she was extremely annoyed, and much oppressed by fatigue. It was found absolutely necessary that some one should attend upon her, and who could be more fit for that duty, to protect her during that long and tedious voyage, than the person she appointed as her Chamberlain to attend constantly upon her person. There was only one occasion in which there was the least attempt at proof that her Majesty and Bergami were sleeping in the tent, and they were then both in their clothes. If he were to resort to Old Bailey verdicts, if indeed a comparison might be formed between them and this important case, he was prepared to maintain that there was no proof, that these parties actually slept on the deck, and the fact was only to be inferred from the statement of Lieutenant Hownam. He did not mean to contend that Bergami might not have been reposing in the tent; and as Mr. Hownam has very properly stated, there was no mystery, there was nothing which called for concealment. When Lieutenant Hownam had stated his belief that these two parties might have slept together in the tent, there was a triumphant echo about the town, and their Lordships' attention was to be fixed upon this solitary circumstance, forgetting all the other important testimony, which that witness had given as the Bar. If the Counsel for the Crown were to be allowed to make out their case by calling persons of the lowest description, coming, God knew from whence, they surely were not to be suffered to attempt to strengthen that case by picking out of the evidence for the Queen, an inference of a belief upon which they were to rest a case of the highest criminal nature. He next alluded to the evidence of Lieutenant Flynn, who, he observed, had not been called by the other side, as might have been expected. This gentleman had not been summoned to give evidence for her Majesty, but without the smallest connexion with her Royal Highness, he had voluntarily come over, and had given the most important testimony which his residence in Sicily had enabled him to afford. This brave, honourable, and gallant man, had not, like many of the witnesses for the Crown, waited for the bribe, but observing, by the public papers, that proceedings against her Majesty were about to be instituted, he instantly came to this country, to depose to facts to the best of his memory and belief which had occurred long since. It was quite evident that this gentleman had never before been in any Court of Justice, but he had given more accurate evidence with respect to his belief, than any witness that had yet been examined. He had described the situation of the bed rooms; and stated, that when he passed through the dining room he knew that Bergami was in bed, and frequently spoke to him behind the screen and received his answer. A more clear and satisfactory account never was given by any witness; he made no alteration in the beds, and never interfered, and therefore it was quite out of his sphere to make any observations on the subject. He (Mr. Denman) was the last man who would undervalue the splendid talents of his Majesty's Attorney General, but there were many different

modes of cross-examination; he loved to see the advocate who could drag the reluctant proof from its lurking place, and show it to the light when the reluctant witness was anxious to preserve it in darkness; but he held that man in contempt who attempted to betray a witness into error, and who could take advantage of the alarm and nervousness evinced by the witness under examination. No man could disbelieve the general effect of his testimony, that no such exhibitions, such indecent familiarities as had been sworn by the Captain and Mate of the polacre had in fact occurred. The evidence had completely broken down under the statement of the Attorney-General, respecting the licentious display of his person by Bergami; the Captain had only called them apish tricks, and Lieutenant Hornam swore that Bergami only put a cushion or two under his dress to imitate and ridicule some pompous personage. The just conclusion from the whole of the evidence in this part of the case was, that if the Princess and Bergami had intended to commit adultery, they would have done it below and not upon deck, in the view of the Captain, Mate, and the whole crew of the polacre. Supposing then, every crime charged before this test scene, and every indecency after it disproved, was the House or any man prepared to say, that that alone was sufficient foundation for this Bill. The Queen was on her trial for an offence of the highest magnitude, and he hoped their Lordships would not make any unworthy compromise, or adopt any middle course, because the charge did not actually amount to high treason. It was not because the punishment was lighter. For his own part, without any affected sentiment which, perhaps, an advocate might be allowed, he would say, that he would much rather see his Royal Mistress tried at the Bar, like Anne Boleyn, for her life; than in the most perilous situation in which she now stood. He would much rather have to hand her to the scaffold; where she would lay her head on the block with all the firmness and magnanimity belonging to her illustrious family, than witness her condemnation under the present charges, which would render her an object of general pity, but of more general scorn, who could not be looked upon but as one entitled to compassion, having fallen by the misconduct of those who afterwards brought her to punishment, but who, at the same time, must be regarded as a most deplorable instance of degraded rank and ruined character. The house was bound, therefore, to try the Queen as if the commission of an act of High Treason had been charged on board the polacre and thus viewing it, what would be the language of any judge regarding a prisoner, who, having been acquitted by the evidence, of a great number of false and important charges, was at last, accused only of one single, and comparatively insignificant offence. Would not the judge declare on the instant, in the case like the present, that no proof existed of criminal intercourse—that the main fact had been disproved—that though the parties had perhaps been shown together in the tent, and though there might be a surmise or a suspicion of guilt; because one of the witnesses had hinted at such a situation, yet that all criminal intent was negatived, and that the excuse for the situation, was given

under the same bath that had sworn to it. A Judge who, under such circumstances, did not declare that prisoner ought not to be instantly acquitted, would deserve to be impeached at the Bar of this House, for a gross and infamous dereliction of his duty. He referred to the transactions at Villa d'Este, dwelling most forcibly upon the conduct of the two discarded servants Sacchi and Rastelli. He then proceeded to observe, that he had heard examples similar to the present quoted from English history; but he knew of no example in any history, of a Christian King, who had thought himself at liberty to divorce his wife, for any misconduct whatever, when his own misconduct, in the first instance, was the occasion of her fall. He had found in some degree a parallel in the history of Imperial Rome, and it was the only case in the annals of any nation which appeared to bear a close resemblance to the present proceeding. Scarcely had Octavia become the wife of Nero, when almost on the day of marriage she became almost the object of his disgust and aversion; she was cast off, repudiated, and dismissed, on a false and frivolous pretext. A Mistress was received in her place; and before long she was even banished from the dwelling of her husband. A conspiracy was set on foot against her honour, to impute to her illicitious Amour with a slave, and it was stated by the great historian of corrupted Rome, that, on that occasion, some of her servants were induced, not by bribes, but by tortures, to depose to facts injurious to her reputation, but the greater number persisted in faithfully maintaining her innocence. It seemed that though the public was convinced of her purity, the prosecutor persevered in asserting her guilt, and finally banished her from Rome. Her return was like a flood. The generous people of that country received her with those feelings which ought to have existed in the heart of her husband. But a second conspiracy was afterwards attempted, and that in the course of that inquiry she was convicted and condemned. She was banished to an Island in the Mediterranean, where the only act of mercy shewn to her was putting an end to her sufferings by poison or the dagger. The death of her father and mother had deprived her of her natural protectors, who had stood as a shield between her and misery. The Learned Counsel, at some length, pointed out the striking analogies between this case and that of her Majesty, noticing the desertion of her illustrious friend, the death of the King, and of her daughter in November, 1817. It was a singular fact, that in that very month, Dument, Sacchi, Majocchi, and Rastelli, had been dismissed from her Royal Highness's service. He dwelt also upon the debates in the Bill to render adultery a crime, and quoted with great emphasis, the words of Mr. Burke, regarding the testimony of discarded domestics. — He remarked upon the volunteer evidence given by Sacchi, who for a base and sordid purpose, had pretended to disclose the confidential secrets of his mistress, when in fact he had committed the grossest perjury, by the invention of the most detestable calumnies. He likened him, with great force, to the most infamous of all

traitors, the first apostate to christianity, who had betrayed his Saviour with a kiss. The letters of Mademoiselle Dumont, and the sincere testimony she had there given, in favour of her beloved mistress, were next remarked upon, the learned Counsel contending, that the evidence those letters contained, was of itself sufficient to warrant the rejection of the Bill. He next adverted to the reasons which had induced the Counsel for the Queen to over-rule the wishes of her Majesty, in not exposing to cross-examination, after the honourable failure of Lieutenant Flynn, certain witnesses, whom it might be expected they should call. Perhaps too great a compliment had been paid to the case on the other side, by calling any witness at all, but after the defence of her Majesty was complete, in the testimony recently produced, he thought it would have been more than needlessly injudicious to have submitted the sister of Dumont to the possible treachery of her sister, and to the perils of a cross-examination, where perhaps some trifling forgetfulness, or some innocent delusion, might destroy the benefit otherwise to be derived from her testimony. He thought that in this respect the Queen's Counsel had exercised a sound discretion. Had the case for the Bill been more perfect, or the answer to it less complete, a different course would have been pursued.

Mr. DENMAN was then proceeding to other parts of his subject when the Earl of Liverpool observed that it was four o'clock, and the House adjourned accordingly.

FORTY-FIRST DAY—OCTOBER 25.

Mr. DENMAN resumed his address. He was now naturally brought to the statement of that circumstance, from which the whole of the charges against her Majesty might have been said to have originated. He alluded to the engagement of an individual in her Royal Highness's household, whose name had been so frequently mis-stated in the course of these proceedings, as it was incorrectly introduced into the Bill. Bergami was taken into the service of her Royal Highness while at Milan, in the month of October, 1814. Undoubtedly he entered the service in a menial capacity. But it was impossible for any one to enter into any service with more credit, better and more deserved prospects of promotion, or fairer hopes of distinction. It appeared that the Austrian Chamberlain treated him on a footing of equality, as a person who, in the eventual period of 1814, had suffered in his fortunes, and had by the termination of the French Revolution been cut off from his former associations, and become reduced so as to be willing to take upon himself the low situation which was then offered to him. The Marquis Ghriglieri had treated him as a gentleman and his equal. Colonel Oliviera had also spoken of him before their Lordships in the highest terms. From the situation of courier he was advanced while at Naples to the situation of page, and before the year was completed, having been advanced to the post of *escudier*, or equerry, was appointed her Majesty's Chamberlain.

He did not deny that it would have been highly proper, if practicable, for her Royal Highness to have advanced some person of high rank among the English Nobility to that station; but surely when her Royal Highness was suffering condemnation for not having done so, it was a little incumbent on her accusers to consider what means and opportunities she possessed for carrying such a plan into execution. Mr. Craven had proved, that about that period he was compelled to leave her Royal Highness, for the purpose of seeing his mother, who was dangerously ill. Sir William Gell had acknowledged, that hearing of the projected travels and voyages had alarmed him, on account of his ill state of health, and made him anxious to resign. Without, therefore, having passed over any persons of high rank, for none such had offered themselves, he did not know that she could have done better than to have conferred the situation upon a faithful, zealous, and courageous man, whom she had already distinguished. Therefore it was that he could admit nothing from Captain Pechel's refusal to sit down at the same table with one whom he had before known in an inferior capacity. Perhaps Captain Pechel's judgment might with respect to himself have been right, and at any rate, he was right in acting upon a judgment which he believed to have been correctly formed. It had been proved by Siccard and several others, that it was necessary to her safety to have a faithful and courageous guard near her person. It was most important to observe, that Siccard himself at Naples thought it necessary to have some one to sleep in the cabinet nearest to the garden. Siccard thought fit to place Bergami there, without the smallest consultation with her Royal Highness, and it moreover appeared, that Bergami had faithfully and honourably discharged the trust confided to him. His Learned Friend had asked repeatedly for some reasons for what he called the extraordinary promotion of Bergami. He (Mr. Denman) might answer all his questions by one sentence. He appealed to the knowledge of their Lordships, if that single merit of keeping the accounts clear, added to his ability in controlling the household, and his well known fidelity, would not be enough to promote a man to such a situation in any royal establishment? Siccard had admitted that he left her Royal Highness in consequence of her pecuniary affairs requiring a journey to England. He left her without appointing any one to discharge his important duties in his absence. Could any thing be more natural than the succession of Bergami, who had proved his ability to order the accounts, to regulate the household, and to give sure protection to her Royal Highness, to the situation left by Siccard? Let it never be forgotten, that Bergami was now proved to be a person of good manners, and that Siccard himself could not have been introduced into the service of her Royal Highness, under circumstances warranting his promotion as fully as those of Bergami, who occupied a military station which he had lost at the end of the war. But in no part of the evidence did it appear, either that Bergami did not deserve that promotion from his faithfulness, or that any individual of superior rank had offered to occupy that station, the duties of which he had discharged with so

much credit to himself. What so just, that his promotion should be publicly made known, that he should appear as her Chamberlain, and be introduced to the visitors? What would have been said if, on the contrary, he had been forced to skulk during the day in the kitchen, if he had never been introduced into the drawing-room, if he had never been called forth into her presence except for the gratification of guilty propensities? What would have been said, if on board the *Clorinde* she had acted distantly to Bergami—if she had said, “we must not let Captain Pechel see our intimacy—we can enjoy our stolen hours of lust, but we must hide from the observations of the English that licentious familiarity which we have not scrupled to indulge in the presence of the Italian servants?” So far was the publicity of Bergami's promotion from being an inference of guilt, that with any candid mind it would lead to a contrary conclusion. Another topic which had been exaggerated in the preamble of the Bill and the statements of the case, was, that of the honours and titles which were said to have been heaped by her Royal Highness, and at her request upon Bergami.—True it was, that the title of Baron of Francini had been acquired for him. Their Lordships well knew that the Baronies of Italy and Sicily were different in effect from those, the possession of which could be traced back to the field of Runnymede, and the heroic periods of our early history. Titles in those countries were to be purchased, at a small expense. A few hundred of livres would create a Marquis, and the absence of titles in these countries to a man's name, were rather considered as a negative of rank than the possession of them a distinction of real honour. Their Lordships must be aware how titles were lavished on English gentlemen on the Continent. Most of his learned friends had been addressed from thence in the extensive correspondence which they had been obliged to carry on in the conduct of this case, as Lords or Dukes. His very respectable friend, Mr. Vizard, her Majesty's solicitor having been addressed by a volunteer witness, who wished to testify in favour of the Queen, was styled, “Count,” and requested by the applicant, to provide accommodation for him at a hotel as near as possible to his Lordship's palace. (*A laugh.*) Another great crime of Bergami was, his having introduced his relatives into the service of her Royal Highness. He could conceive nothing more natural in the conduct of a prudent and faithful person like Bergami. It did not appear that even down to the present moment her Majesty had any knowledge of the fact, that the stable boy and other persons employed in menial capacities, were the relations of Bergami; and if they had been placed in those situations by the *maître d'hôtel* alone, it had been very properly done. But if there had been no mystery, no concealment in the appointment of Bergami himself—if that appointment were made, as he contended it was, prudently and properly, what became of the questions of his learned friend on that subject? Coming then, to the period alluded to, from the time of her Royal Highness leaving Naples to the time of her embarking on board the *polacre*, Bergami had then become her Royal Highness's chamberlain, and it was the duty of his office to be near her person, and to

attend her by night and by day, and that was done without the least attempt at disguise, and it was, therefore, rather too much from that fact alone to deduce the consequences which his learned friend had drawn from it. He recurred to this the more particularly, because there was one witness who had endeavoured to make out the fact of a criminal intercourse having taken place, and to fix the precise time at which it took place; that individual was Majocchi, and their Lordships would observe that it was not thought sufficient to prove the contiguity of the sofa to the bed in the *poacré*, but he was brought to depose the particular fact. At page 26 of the minutes, their Lordships would find his testimony on the point; he stated that he had heard a noise which resembled the creaking of a bed, and then with the ready talent for which he was so notorious, he had imitated the noise, from which their Lordships were to infer that a criminal connexion had at that time taken place. That was an instance of the powers of the ear, only to be equalled by the wonderful capacity of his eyes in the description which he had given of the scene at Naples, where, between sleeping and waking, he had observed her Royal Highness pass four times through his room to go to the chamber of Bergami. And from such evidence their Lordships were called upon to infer that the connexion had taken place. But to look at that a little more particularly: Majocchi had stated there was a sofa in the cabin where he slept; but, from the evidence of Petazzo, it appeared he slept in the hold, where there was a hammock regularly slung for him, and therefore there was a strong probability that he slept there, and not in the cabin. But on referring to Lieutenant Hownam's evidence, it appeared there was only four sofas on board, two of which were lashed together in the Princess's room, and two were placed in the Countess of Oldi's room, so that he must have got one of these sofas out of the cabin and placed it over his head in order to hear those sounds of which he spoke. He had alluded yesterday to the belief which Lieutenant Hownam entertained that Bergami slept under the tent; but Lieutenant Flynn's belief did not at all accord with his, and looking at the evidence of Petazzo, who stated that "the bed of Bergami was in the dining-room on the deck, and was rolled up in the morning, but he had not seen if the bed was there or not," it was rendered very probable that Lieutenant Flynn's supposition was correct. But there was another witness who corroborated that supposition—and who would no doubt be allowed to be a competent witness—he meant Dumont, and therefore he did infer, as Lieutenant Flynn had done, that the same arrangement of the beds took place on the homeward as on the outward passage. It would be a good deal to rest on Lieutenant Hownam's belief, which was founded on hearsay, without recollecting also that from the same belief it would appear that other persons had also slept under the tent. What could be more natural than to suppose, when the weather was mild and temperate, that the female attendants slept with her Royal Highness; but when it was squally weather, and accidents might be apprehended, that some one of the male persons in her suite was also in attendance—and who, he would ask, was so

proper a person as her Royal Highness's chamberlain, in whose line of duty it more particularly lay? But it was said that Lieutenants Hownam or Flynn would have been equally efficient for the purposes of protection—but in the case of a squall or the ship at sea, their attention would have been called elsewhere.—In case of bad weather coming on, it would have been their duty to have taken charge of the vessel, a charge to which it is well known that British seamen were much more competent than Italian mariners; it was therefore necessary that the individual selected to be near her Royal Highness should not be liable to be called away on other duties. A great deal had been said about the bath in the cabin below, but what had been stated by the witness Majocchi was contradicted by Dumont. A lady, of forty-eight, sailing on board of a polacre in the Mediterranean sea, is in need of a bath—she chooses to have it in a small cabin, which it had been clearly proved could not contain the machine she was to bathe in; and because, forsooth, Bergami ordered a female servant to carry in linen to her Royal mistress to dry with, therefore was it established beyond all doubt, that her Royal Highness must have enjoyed the bath in the presence of Bergami, in the small cabin, where it could not be enjoyed at all!

The next case stated, in the opening of his Learned Friend, was the circumstance of Sacchi's arriving at night, and seeing Bergami come out of the room of her Royal Highness. From that, their Lordships might infer that something improper had passed between them. Without saying any thing at present as to the credibility of this witness, he would ask, how was the statement of the Attorney-General borne out by the evidence of Sacchi? His statement was (page 430), that he returned at night; he went into the kitchen, and next into the anti-room to see Bergami. He saw no one there, and proceeded to his bed room, which was also empty, and the bed tumbled; he was then going away when he heard a voice (which he knew to be Bergami's) ask "who is there?" To which he answered, "the courier from Milan." Bergami said it was not necessary to intrude into his room at that hour; and being asked from what room he (Bergami) came, he said he could not see, for it was dark. When asked where the door opposite to Bergami's room led, he said to other rooms, but he did not know to what rooms nor whether one of them was the Princess's—nor in short, where the Princess's room was at all. This led him to observe, that it might be worth while to make a catalogue of the cases, distinguishing those which were supported only by one witness, those which were supported by several witnesses, and those which were supported by no evidence at all. There were in all sixteen overt acts alleged in the opening of the Attorney-General; of the first three, of which Naples was the scene—namely, the first or bridal night; the masked ball at the Theatre of St. Carlos; and the meeting on the Corridor, depended on the evidence of Mademoiselle Dumont alone. The charge at Catania, proved by Dumont alone; that at Savona, not proved at all. The tent on shore jointly proved by Majocchi and Dumont; that at Ephesus, by Majocchi alone, and contradicted by others; Sacchi's story of his return

from Milan and seeing Bergami near her Royal Highness's anti-room, proved by himself alone; and the case of the bath by Dumont alone. That Dumont had not told the truth was, he thought, placed beyond a doubt, and he charged her with additional falsehoods towards her Royal Mistress; that she deceived his Learned Friends by the use of general terms in telling her story when she ought and could have been more particular, if her object were not to deceive. Perhaps a word or two might here be necessary with respect to her letters; they were said by his learned friends not to have been written in sincerity, as if their sincerity were to be made the grounds of her veracity. Could not these letters be considered otherwise than threats? "I am poor," she says "suffering disgrace. Don't you commit the same mistake that I have. I am assailed by spies, Gentlemen from London have come to me with offers of a brilliant establishment, who only wish me to disclose those secret acts of her Royal Highness of which I am the dangerous depository." In answer to this threat what was the conduct of her Royal Highness? Did she not shew she had no secrets of which she was afraid, that she had committed no acts requiring concealment? No steps were taken in consequence of those letters, nor was any thing further done until about twelve months after, when Sacchi took her to the Milan Commission. He would not proceed to the evidence of the Chevalier Vassalli to be found in page 937 of their Lordships minutes. He hoped, also, introducing Captain Vassali, that his having been a private soldier, would cause no reflection on his moral character. A man of his gentlemanly manners must rise above such a situation,—a situation he (Mr. Denman) by no means considered very humble. No one could go into any town on the continent, without being told, on seeing a fine young man, or a man a little older, that he was one of the guard of honour of Bonaparte, or Josephine, or Maria Louisa; or of the Emperor of Austria, according to the towns into which they passed. The next part of the case brought him to Carlsruhe. And here it was impossible not to look back at the sufferings of her Majesty, at the struggles she had undergone during the whole period of her married life. At Carlsruhe the same attempts were made to destroy her Majesty as had been before attempted in other places. She was watched and spied after by all manner and conditions of persons. How came a Hanoverian Minister to Rome? What had a protestant Ambassador to do at the Court of the Pope? Why was Ompteda there? For what reason, when a single question was put respecting Ompteda, that it became the signal to throw in an objection, and at once to close the mouths of the witnesses on that subject? Majocchi was instructed no doubt to say, he did not know his name. Ompteda! the name was as foreign to him as that of one of the chiefs of the Sandwich Islands. When asked if he dined with her Royal Highness—he knew nothing about it. When asked if he had been on a visit with her Royal Highness—he did not know. Some one dined there, a Baron, but he knew nothing of his name. It was the same with Dumont, though she knew the circumstances well. Neither she nor Majocchi ever heard of locks being picked, or of servants being suborned until they

came to their Lordships bar. He now begged leave to introduce William Carrington on this subject. And before he did so, could not help adverting to the great advantages it is said her Majesty's Counsel enjoyed during the course of this proceeding. William Carrington underwent the strictest cross-examination, and any thing more clear or more convincing was never drawn from any witness. Majocchi was instructed to deny all knowledge of Ompteda, though he was perfectly aware of his conduct and his baseness, as to say what indignation he felt, at his corrupting the servants of his Royal Mistress, at his having brought them all into suspicion, and that he would kill him like a dog. He now came to what was said to have occurred at Carlsruhe; and here would point it out remarkably, shewing that not fewer than three Ministers were employed in sending this witness to England; and that one of those very Ministers, on her Royal Highness arrival, had invited her to accept his rooms at the Inn, which the very moment she quitted, he returned to, and ran about busily examining every little circumstance which he thought could lead to even a suspicion of guilt. Now what has the witness (Kress) said in page 182, and the following pages? She described herself as having seen the Princess sitting on Bergami's bed, Bergami having his arm round her neck, which he let fall the moment the witness appeared; and here the remark which he had so often made again occurred—that each witness who is called to any particular point, shapes his testimony, as that that part of the case rested solely with himself. She could not recollect any conversation, or whether she had any; nor could she recollect having gone to the Countess of Oldi's room for the purpose of ascertaining whether she was there. At best, she was in doubt as to who was there; and when their Lordships took that circumstance, and the other fact where she was contradicted, into consideration, they would, he was sure, see that, instead of this showing any guilt on the part of her Royal Highness, it only manifested the incessant efforts which were made to adduce something which might affect her character. The exertions which were made to induce this woman to give her story were astonishing, and full proof of the efforts which he had just spoken of. Their Lordships had it in evidence, that the attentions were paid to, and parties made to receive, this illustrious lady, who had been described as a destitute outcast from the society of her relatives; as a prostitute who had degraded herself, her rank, and her country, and who was no longer to be continued in the enjoyment of the honours of her elevated station. Yet their Lordships found that, so far from this being the case—so from her Royal Highness shunning or being shunned by her illustrious friends or relatives on the Continent, she sought their society, and her company was sought by them. Their Lordships had the whole time of the evening accounted for, so that it was impossible the story of Kress could be true, unless, indeed, they could believe that Vassali had perjured himself, which he conceived no one who heard him could imagine. His Learned Friend had put some questions to Vassali, about the times and places of dining, particularly with the King at Munich, every day they remained there, and he

accounted for them all in a very satisfactory manner; and though he might not have been as minute in his recollection on this as what took place at Carlsruhe, yet it was more natural that the latter should impress itself on his mind, he having dined every day with the Grand Duke or the Margravine. Here, then, was an end of the story of Kress. It was most completely upset by the most convincing evidence, and if there were no other circumstance to be adduced, this one would be sufficient to cast suspicion on the rest of the case. But if they effectually destroyed the testimony of Barbara Kress, the female waiter, what could be said with respect to that, of the male waiter—this man who, thinking that something might be got by it, occupied himself by peeping through a key hole (a most happy employment for a man of his honourable profession,) where he saw Bergami, four or five mornings out of six which he said they remained at Trieste, coming in a sort of undress from the room of her Royal Highness. What should be said of this waiter, who, speculating in the profitable trade of a witness, adventured to England, to try his fortune in that character? But he would not describe him; if their Lordships forgot the man they would never forget his learned friend's (Mr. Brougham's) portrait of him. It was remarkable, that the only two witnesses who spoke to such acts as this Piero Cuchi had described, were not only unsupported in their statements, but actually contradicted themselves. This man spoke positively to her Royal Highness's remaining at the inn for six days; but on this part of the subject no question was asked of Dumont or Sacchi. Cuchi swore positively he could not be mistaken as to the length of time being six days, though he could not recollect whether a Sunday was one of them. His account was, that through a small hole in the wainscot,—a secret place which could not be visible to any person within the dining room—he saw all the circumstances which he describes. He saw this walking from the room of the Princess by Bergami four or five times. He saw the parties conversing familiarly every day of the six they remained. Now it was most true that her Royal Highness remained only one night at Trieste. He, however, as a lawyer, would not press this subject further. It would hereafter come on in another place—for her Majesty's Counsel did not think they could perform their duty if they did not place the perjuries of this waiter in such a light as that they must receive their deserts. If he were to be found in Cotton-Garden at the proper time—if he should not (imitating the example of Rastelli) have gone off to quiet the fears of his anxious relatives on the Continent—if, he repeated, he were to be found at Cotton Garden in the proper time, her Majesty's Counsel owed it to her Majesty, they owed it to the human race, to show that such wretches as these could not by wilful and corrupt perjury impeach the character of the realm, and, in England, be allowed to escape with impunity. He referred their Lordships to page 688, where they would find the evidence of Carlo Forti, the witness who attended on the journey from Rome to Senegaglia, as Courier to her Royal Highness, being himself on horseback during the whole journey. So far, therefore, from this Sacchi having had an opportunity of draw-

ing the window curtains of the carriage in which her Royal Highness travelled, he did not even attend on that occasion. Even Dumont, who had such accurate information and knowledge of every motion of Mr. Sacchi, was never asked if Mr. Sacchi rode as Courier on that journey. He must here state, that as to there being any doubt about time, he had to state that there was only one journey from Rome to Senegaglia, performed by her Royal Highness. The Learned Counsel went on to enumerate the different witnesses who had given their evidence in corroboration of Carlo Forti; and detailed the evidence given by each to that effect. He referred particularly to the testimony of Colonel Olivieri and Count Vassali, so that it appeared this Sacchi swore to having witnessed a most indecent scene, which, from the nature of it, it was even impossible could have happened. What became of these stories about the Princess and Bergami's conversations; and of that improper conduct of her Royal Highness at the Barona, which was supposed to have disgusted numerous persons of rank who were witnesses of it? And why were none of these persons called? It next appeared that her Royal Highness had related to Dumont, that she (the Princess Royal of this country) had been refused as a Member of the Cassino at Milan. Setting aside the improbability of a person of her exalted rank being refused such an honour, whether it was so or not 'till there was a different solution for it; if true, then that attempted to be given to it, it was known that she was the wife of the Prince Regent of this Kingdom; it was known that she was his persecuted, condemned, exiled wife, a wanderer on the face of the earth, because she had no home in the country which had become her own, because those who had carried her triumphantly through the attacks of her enemies, were now ranged in their ranks; and it was from these circumstances that might be drawn a different reason for such an occurrence, than that it proceeded from any heart-felt disapprobation of this illustrious Person's conduct. He passed over that host of Italian witnesses, together with the host of improbable and insignificant facts sworn to by them. He next adverted to the story of the figures of Adam and Eve, and he asked whether any man, would look at that exploded story now without redoubled feelings of disgust, not at the tale itself, but at the charge.—He then touched upon the evidence of Antonio Bianchi, respecting the bathing of her Royal Highness and Bergami in the river Brescia. It appeared that these parties took a boat and went upon the lake, where they were in the water together, when they espied him and four gentlemen—upon which they ran away, got into their boat, and sailed down the river, he supposed to the Lake of Como. Now, it so happened, that the river Brescia was a cataract, which was either quite dry, or was a torrent admitting of no navigation by any boat. This they had, by the testimony of Captain Hownam. This fact shewed the unparalleled impudence of the deponent, in coming forward with such stories to insult the English public. The story was a good one in itself, and looked very well upon paper, until it appeared that the place fixed upon as the scene of action was such as it was neither possible to bathe in nor to sail.

Why, he asked, if there were four persons who witnessed this, was there only a single one called? Another witness had sworn, that in taking the Princess and Bergami to Como, he saw them kissing no less than four times; this was even oftener than Majocchi and Lamont had sworn to have seen in three years; but the boatman he called, who had the best opportunity of observing the conduct of the parties, gives a direct contradiction to the statement. Sacchi had sworn that he assumed the name of Count Milani in consequence of the Dover Riots, yet he is proved to have gone by that name twelve months before they occurred, and when no one dreamed of the present trial but those who were collecting the materials for it. Before he proceeded further, he wished to be understood as to the light in which he viewed the Milan Commission. At the head of that Commission was Mr. Cooke, a gentleman of whom he had heard nothing, but what gave him a disposition to respect him, until he accepted the office which his Commission imposed upon him. He was a great lawyer, and a man of great scientific research; but he confessed that he looked upon Mr. Cooke as the last man who was qualified for such an office. There never was any one less qualified for sifting evidence, or for detecting falsehood in a willing witness, or for checking those under him from overstraining their duties. As to Colonel Brown, as he was a military man, he could hardly be expected to give any useful assistance. The only useful Commissioner is Mr. Powell, it was he who had been able to get evidence, the compulsory power which he possessed, Colonel Brown using his influence with the foreign courts to assist him. Thus the Attorney formed the sole Commissioner. Employing Rastelli a courier to this Commission was enough to dispatch him as a witness. But the most important fact connected with Rastelli was, that he, a witness, who had stated the most infamous facts, with which the Princess was charged; that he, the agent, clerk, and courier of the Milan Commission; that he, whose testimony had laid him so completely open to a prosecution for perjury, which should have been instituted; that he, after a pledge given that no witness should be withdrawn, had been sent to Milan to pick up new acts, suborn new witnesses, and thus bolster up a case which the prosecutors found had completely failed! The not being able to examine this man at the time he was called, was an irreparable injury to her Majesty.

Mr. DENMAN here retired for half an hour. He then resumed, and alluded to the statement given in evidence that her Majesty, at a theatre at Villa d'Este, had played Columbine, and that Louis Bergami played Harlequin. The character of Harlequin and Columbine that was played in Italy, was widely different from those played in England. In England they were lovers, but in Italy they were not so represented on the stage. They were speaking parts in Italy; in England they were not. In Italy the Harlequin, which in that country was called *Harlequino*, was generally the valet of the lover in the harlequinade; and the Columbine, which was called *Bisara*, was the servant of the female. There was no love affair, and no freedom whatever passing between them. With respect to the Milan Com-

mission, his Learned Friend (Mr. Brougham) had not charged it with a conspiracy to suborn witnesses; but he had said that supposing such a conspiracy to exist, it would exhibit all the symptoms and indications which arose from the Commission. He then characterised the Sacchis, the Rastellis, and Dumonts, and others, as the best possible witnesses that could be got to sustain such a charge as this. But they (the Queen's Counsel) had been assured that a large allowance would be granted on account of the absence of Rastelli—What other compensation then could they have? Would their Lordships strike out part of the evidence of other witnesses? Of Raggazoni? he was gone already. Of Maoni? his testimony was destroyed. Of the mason, with his view of Adam and Eve and the fig-leaves? he was finished before. In short, if they were permitted to take compensations of this sort, there would be the utmost difficulty, so entirely had the evidence for the charge been annihilated, to find any thing worth being struck out. The Learned Gentleman next took up the evidence of the Queen's witness, Phillippo Pomi, which he described as throwing a true light on all the machinery of the Milan Commission. Pomi shewed him the manner in which Rastelli asked him to become a witness against the Princess; and, no doubt, he took the same means with others. Pomarti, another witness, such as he was, stated that he had been seduced by a man whom he did not know, to commit a breach of trust, and having abstracted the papers confided to his care, and was paid by Vilmercati for betraying his employer to the amount of 300 or 400 francs. Was this denied? The Learned Counsel then spoke in severe terms of the absence of Colonel Brown, who had acted as commissioner, attorney, and collector of witnesses. He then proceeded to comment on the improbability of Lieutenant Hownam, who was the protegee of her Royal Highness, presuming to give her advice; if he had declared this to Captain Briggs, it was one of those confidential communications which are usually confined to the quarter deck. It was a matter of surprise that his Learned Friend did not make Lord Guilford, Lord Glenbevie, Lady Charlotte Lindsay, Mr. Craven, Sir William Gell, witnesses, to support the Bill. Dr. Holland, who so often dined at the table of her Royal Highness, doubtless had an opportunity of observing her conduct, yet he was not called. Those witnesses had given the lie to the charge of public licentiousness and adulterous intercourse. It was clearly proved there was nothing in Bergami's behaviour to the Princess, or any other individual, which led the most scrutinizing observer to conclude that an indecent familiarity had been tolerated. If the nerves of a witness shook in a tribunal like that, and he was led by forgetfulness or delusion of memory, he was lost. Under such circumstances who could venture to expose one or more witness than the case required. There is one topic (continued Mr. Denman) on which it is impossible for me not to comment. The conduct of her Majesty has been said to furnish an inference in support of the charges. Let the defence stand or fall by that test; and I ask whether it is possible for a person so degraded, in the first place, to have turned away all her servants at the moment when they had possessed the most important and damning se-

crets, and afterwards to have proceeded in the low attachment, that disgusting debauchery, with an individual who had been elevated for the most criminal purposes, in defiance of all the principles with which human nature was ever acquainted? It is one of the consequences of such an infatuation, that it destroys all worldly considerations.

"Not Cesar's Empress would I deign so prove."

and if so, would her Majesty not have been willing to hide her head in any part of the Continent, in the enjoyment of that luxurious profusion, in which she had been tempted, by offers from this country, to continue even with great splendour? Would she not have been anxious to retire to Pesaro, or to the lake of Como, and there to expend on her favourite the vast income to be appointed to her use? Is it possible to believe, that, after the loss of all that makes life dear and character valuable—after vice and profligacy had become her daily habits, that her Majesty would have sprung to this country, irritated and stung by nothing but this detestable accusation? Look, my Lords, at the conduct of her nameless and unseen prosecutor and then at the conduct of his illustrious client. For a series of years she had been the object of unceasing persecution: The death of her only daughter was immediately followed by this frightful conspiracy. The decease of her late remaining protector, succeeded not long afterwards. It was announced to her not in the language of kind respect, or even of decent condolence, but in a shape which forestalled the decision of Parliament upon this great question. Cardinal Gonsalvi was the instrument of stripping her of her rank, and of depriving her of those honours to which her station in society laid claim. Her title as Princess Caroline of England was stated in the face of her passport; and the first transaction of this new reign in which seven traitors were spared and felons pardoned, was the most illegal and unchristian act yet recorded in the annals of the British monarchy. To the Queen it is no new reign of peace and amnesty, but the commencement of a prosecution in which malignity and falsehood were united for her destruction. Her name was excluded from the liturgy; but when it was forbidden that the prayers of the people should be offered up for her, their hearts made a full compensation for that odious exercise of unjust authority. Under such circumstances, what shall we say to the Bill before the House. As a divorce Bill it exists: no more; the mere fact that the crime imputed was committed six years ago, dismisses it with contempt, and the fact of the letter of license, written so recently after the marriage ceremony was performed, is of itself an answer to any claim on the part of the husband. But it is a Bill of Pains and Penalties, a Bill of degradation, dethronement, and disgrace, and if your Lordships shall determine to proceed against this persecuted and injured woman, it is at your p (pausing for a word) p leisure to do so. But sure I am your honour, as Peers—your justice, as Judges—and your feeling as men, will compel you to take part with the oppressed, instead of giving the victory to the oppressor! I was about to observe, that there were certain individuals, who had not been called,

simply for this reason, that our case is already proved.—We have often heard of challenges and *défiances*; we have been told that Bergami might be called to the Bar, to state that the whole charge was a fiction; but this is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world no instance is to be found where an individual charged with adultery has been called to disprove it. Yet, for the first time, we are to be compelled to put him to his oath! The answer is in a word—there is either a case against us or there is no case; if there is no case, there is no occasion for us to call this witness; and if there be a case, no man would believe the supposed adulterer, when he was put forward to deny the act. In such a case I firmly believe the feelings of mankind would justly triumph over the strictness of morality; and that a witness so situated would be held more excusable to deny upon his oath so dear a confidence, than to betray the partner of his guilt. Surely, for the sake of dragging forward such a witness, the principles of our nature, and of the heart of man are not to be repealed even upon this occasion, to which so many principles have been made the sacrifice. We have heard of the distinction between the Queen of grace and favour, and a Queen of right and law; but her Majesty has been taught, by bitter experience, the wider difference between a husband of affection and guardianship, and a husband of jealousy and persecution! After all ties, divine and human, have been broken upon his part, he still thinks it possible to exact, from the alienated and injured object before you, the most scrupulous attention, not only to the substantial virtues of her sex, but to the most insignificant appearances of feminine decorum. Let me ask you, then, what is it that can justify you in passing such a Bill? Without looking to the principle, I say that there is not one page of evidence in this whole volume to warrant you in giving it your sanction. I know that rumours are afloat of the most injurious character.—We have heard, and hear daily, with alarm, that there are persons, and these not of the lowest condition, and not confined to individuals connected with the public press, not even excluded from your august assembly, who are industriously circulating the most odious and atrocious calumnies against her Majesty. Can this fact be? and yet can we live in the world, and not know it to be fact? We know, that if a jurymen, upon such an occasion, should be found to possess any knowledge on the subject of inquiry, we should have a right to call him to the Bar as a witness. “Come forward,” we might say, “and let us confront you with our evidence: let us see whether no explanation can be given for the fact you assert, and no refutation effectually applied.” But to any man who could even be suspected of so base a practice as whispering calumnies to judges, distilling leperous venom into the ears of jurors, the Queen might well exclaim, “Come forth, thou slanderer, and let me see thy face! If thou would’st equal the respectability of an Italian witness, come forth and depose in an open Court! As thou art, thou art worse than an Italian assassin! because, while I am boldly and manfully meeting my accusers, thou art planting a dagger unseen in my bosom, and converting thy poisoned stileto into the

semblance of the sword of justice!" I would fain say, my Lords, that it is utterly impossible that this can be true; but I cannot say it, because the fact stares me in the face; I read it even in the public papers: and had I not known of its existence in the dignity of human nature, I would have held it impossible that any one, with the heart of a man, or with the honour of a Peer, should so debase his heart and degrade his honour! I would charge him as a judge—I would impeach him as a judge; and, if it were possible for one of the blood royal to descend to a course so disgraceful, I should fearlessly assert, that it was far more just that such conduct should deprive him of the right of his succession, than that all the facts alleged against her Majesty, even if true to the letter of the charge, should warrant your Lordships in passing this Bill of degradation and divorce. There are persons who have had an opportunity of reading a vast variety of depositions against the conduct of the Queen. To these noble individuals I may distinctly say, "you at all events, must vote for an acquittal. I know nothing of the facts brought before your Secret Committee, but I know that it is impossible for any rational or honourable man to have presented such a case as has been proved at the bar, as a ground for degrading and dethroning the Majesty of England." The facts proved before that Committee must have been of a far more grave, more disgusting and more infamous description; and whether they have been proved, or whether the witnesses publicly examined, have not dared to swear up to their original depositions; I am confident that the Committee never meant it to go forth, that a case not of key-holes and chamber-pots, but of notorious and undeniable guilt, ought to be the ground work of this public prosecution. What the boatman on the lake of Como may have said to those who were gaping wide for slander, I know not; what reports may have been circulated by her enemies, I know not; but I do know, that they have not been proved—that they are false, calumnious, and detestable. I say one word more to your Lordships—I know that a supposition prevails, that a spirit has gone abroad, dangerous to the constitution and government. I have heard it said, that a spirit of mischief was actively at work, among the friends of her Majesty: but the same person who uttered that memorable expression in a few weeks was obliged to admit that it was false, because the truth could not be concealed, that the whole of the generous population of England had enlisted themselves with ardour on the side of the innocent and the injured. At the same time, it is possible that both may be true; the sound and middling classes of society may feel acutely for the situation of her Majesty; and there may be, also, some apostles of mischief lurking in a corner, meditating a blow at the constitution, and ready to avail themselves of any opportunity for open violence. If that be so, the generous sympathy to which I have alluded would be aggravated by a verdict of guilty; while those mischievous and disaffected men would deprecate nothing half so much as to see your Lordships in the face of the power of the Crown, venturing to pronounce a verdict of acquittal for the defendant so prosecuted.

If your minds are satisfied that all that has been said is scattered "like dew drops from the Lion's mane," you will hold yourselves justified in pronouncing a verdict contrary to the evidence, because your conduct may be imputed to the dread of the mob; or, to use the jargon of the day, which I detest, the apprehension of a radical attack. Before I conclude, I must be permitted to say, that during the whole of this proceeding the highest gratification resulting to my mind is, that with my learned friend I have been joined upon this great occasion. We have fought the battle of morality, Christianity, and civilized society throughout the world; and, in the language of the dying warrior I may say,

"We kept together in our chivalry,
"In this glorious and well-foughten field."

While he was achieving the immortal victory, the illustrious triumph, and protecting innocence and truth, by the adamant shield of his prodigious eloquence, it has been my lot to discharge only a few random arrows at the defeated champions of this disgraceful cause. The house will believe me when I say, I witnessed the display of his suspending faculties with no other feelings, than a sincere gratification, that the triumph was complete; and admiration and delight, that the victory of the Queen was accomplished. This is an inquiry, my Lords, unprecedented in the history of the world; the down-sitting and up-rising of this illustrious lady have been sedulously and anxiously watched; she uttered no word that had not to pass through this severe ordeal. Her daily looks have been remarked, and scarcely even her thoughts escaped the unparalleled and disgraceful assiduity of her malignant enemies. It is an inquisition, also, of a most solemn kind. I know nothing in the whole race of human affairs, nothing in the whole view of eternity, which can even remotely resemble it; but the great day when the secrets of all hearts shall be known!

"Be who the sword of Heaven will bear,
"Should be as holy as severe!"

and if your Lordships have been furnished with powers, which I might almost say scarcely Omniscience itself possesses, to arrive at the secrets of this female, you will think that it is your duty to imitate the justice, beneficence, and wisdom of that benignant Being, who, not in a case like this where innocence is manifest, but when guilt was detected, and vice revealed, said—"If no accuser can come forward to condemn thee, neither do I condemn thee; go and sin no more."

A pause of some moments occurred after Mr. Denman had concluded: when

Mr. BROUGHAM inquired, if the other side intended to reply by more than one Counsel.

The ATTORNEY-GENERAL answered, that it was his intention to avail himself of the assistance of his learned friend the Solicitor-General.

Mr. BROUGHAM then said he should request the assistance of his friend Dr. Lushington, to-morrow morning.

Adjourned at 4 o'clock.

 FORTY-SECOND DAY—OCTOBER 26.

Counsel were called in.

DR. LUSHINGTON.—My Lords, if I had followed the dictates of my own conscience, I should not now have had the honour of addressing your Lordships, considering, as I do, that the case of my illustrious Client has been triumphantly established; but I yield to the suggestions of my Learned Colleagues, who have thought that after the excellent summing up of Mr. Denman, there remained some points of this extensive case which will admit of a few additional observations: Your Lordships will, I am sure, readily allow, that mine is a task of no common magnitude, and that I am entitled to your utmost indulgence. Difficult, however, as my task is, I have the consolation of knowing, that in the judgment of my Learned Colleagues, the case of our illustrious Client stands upon so firm a foundation, that even the discussion of an unskilful advocate cannot prejudice her interests with your Lordships; and certain I am, the more fully this case is disclosed and the more amply we enter upon a fair consideration of its merits, the more all the judges will become convinced of the innocence of the accused party, against whom such charges have been exhibited. My Lords, I cannot help observing, that during the whole course of my professional life, which has been exclusively devoted to cases of adultery, I have never known any one instance which could form a parallel to the strange and anomalous prosecution which I am now opposing. This case, my Lords, is not only unprecedented, but I will defy any man breathing, of whatever age, of whatever legal experience, to mention any suit in which there is the slightest reference to the grounds of this proceeding. It is not, my Lords, that the tribunal appointed for the trial of this cause is entirely new and unknown to the general principles of law in cases of adultery—it is not its variety or anomaly—it is not that the Government form part, not only of the prosecution, but even of the Judges. These are circumstances, which strange and unprecedented as they are, might nevertheless, have occurred in any other cause of adultery. But, my Lords, there are circumstances in this case which never could have occurred to other parties. I will look first to the age of the accused party, and I will say without the least fear of contradiction, that no precedent can be found in this country, or in any other country of the world, of a husband who has sued for a divorce, accusing his wife of adultery at the age of forty-eight. There is upon the face of this transaction something so improbable as to the age of the party, that your Lordships will do well to give that circumstance your serious consideration.—We have instances of wives separated from their husbands—of wives spurned by those who should have cherished and protected them, even from the earliest period of their connection; but where have we an instance, my Lords, of any husband coming into court and suing for a divorce against a female, I will not say at 48 years of age, but even at so late a period of life as forty-five? I do not believe that there is a solitary instance of this kind upon record, and I sincerely trust, that as this is the first so it will be the last instance of such a proceeding. But, my Lords, I

have another; and I trust, an important observation to make upon the ground work of this transaction. Here is a husband, who after having being separated from his wife during a period of twenty-four years; by his own act, by his own choice, by his own free will; not for any misconduct of that wife, not even upon a breath of suspicion against her at that time of the separation; but who, in the wayward indulgence of his own fancy, breaks through the solemn vow by which he was bound by the laws of man and of his Creator for his self gratification. Is there another man in the world, my Lords, who would come before your Lordships, and be bold enough to ask for a divorce upon such grounds as these? Who, after having by his own act, deserted the partner of his bed, would tell you he had a right to complain, and that the laws or his country owed him any redress? No man dare, and if from any cause such could be the fact, and such a man would obtain relief from his marriage vow by the legislature of his country, I would tell him that the law of God was still against him, and that God's laws cannot with impunity be broken. I should say this, my Lords, even were the guilt proved against his unhappy consort; but what shall I say here, where the charges are shown to have been founded in utter falsehood?—We have been told, my Lords, that her Royal Highness the Princess of Wales, broke through her marriage vows, unmindful of her high rank and station, and unmindful of her duty to her Royal Husband. Of her duty! What duty? What duty that is not reciprocal? Are we to be told, my Lords, in defiance of every principle of virtue and divinity, that there is to be one law for the man and another for the woman? Are we to be told that there is one God for the husband and another for the wife; and that what in one becomes a deadly crime, worthy of the severest punishment, is to be overlooked or tolerated in the other? No, my Lords; the husband has plighted his troth, and I will ask you how he has kept it? Where shall I look for one trace of this plighted troth? Shall I go back to the year 1806, or to 1813? Shall I look for it in the unnatural separation of the mother from an only daughter? Shall I seek it in her exile from her home? In the spirit of unrelenting persecution, by which, for so many years, she has been followed? Where shall I find it? It is inconceivable, my Lords, that a wife thus deserted, thus persecuted, should now be told that she is unmindful of her duty, whilst her husband, who was pledged to protect her, has allowed her to pass through the world without a friend to guard her honour. I know very well, my Lords, and I say it with great pain, that there are those who dwell with triumphant satisfaction upon all that is exposed, where the private actions of kings are unfolded to the world. No man can feel the difficulty of his situation more than I do when called upon in the performance of a solemn duty, to dwell upon such painful considerations; but, my Lords, I owe it to myself and to my Client to speak out boldly. There are individuals without number, who are always anxious to see the failings of Kings, that they may turn them into derision. I will, therefore, say as little as possible upon this ungrateful subject. It is almost needless to follow it through

all its bearings; but my Lords, if I were in one of those Courts, where cases of this kind are usually decided, what should I say to the husband who, insensible of his own honour, allows his wife, for a series of years, to live unprotected, and then offers her fifty thousand a year to live abroad, knowing, as he says, that she is in a course of adultery, but without giving one direction that the adulterous intercourse shall cease, before she enjoys the large income that is proffered to her? What should I say to an individual acting in this way towards a wife, not saying in the language of pardon and admonition, like my learned friend, Mr. Denman "Go, and sin no more," but indulge in your profligate intercourse, give unlicensed vent to all your passions, enjoy the embraces of your paramour, and here are abundant means of support and splendour in your enjoyment." I am happy to state, my Lords, I am not called upon by any consideration of duty towards my illustrious Client, to say one word by way of recrimination; I thank God, and the wisdom of my Learned Colleagues, who have so advised her Majesty, that the case upon which we build our hope of an acquittal is one of perfect innocence, and that, by avoiding recrimination we shall save this House and the country from all its consequences. You cannot, my Lords, unless that you are fully prepared to violate the laws of God and man, declare against my Client. That venerable bench of Bishops, who form part of the Judges, cannot, without violating the holy tenets of that Gospel which they preach and inculcate, pronounce against the wife of their Sovereign. The laws of God and of your country are upon her side, and I am sure that is not here that they will be violated. I shall not do my duty unless I advert to that part of our law upon Divorce, and the necessary evidence required to prove a criminal intercourse to have taken place; it is the more necessary that I should do it, to prevent some of your Lordships from being misled by the counsel for this Bill. The Solicitor-General in summing up, my Lords, referred to the decision of Sir W. Scott, in the case of *Loveday v. Loveday*. "It is not necessary to prove the direct fact of adultery; for if that were the case, there would be no sufficient protection for private life.—The offence cannot be proved by artificial inference, but by general acts and circumstances, which were of themselves of so suspicious and positive a character that adultery had been committed, that no just and honest man could doubt." Sir W. Scott said also, "Here are acts of indecent intercourse proved by persons, whose testimony is above suspicion."

And, my Lords, that was not all the proof that was given in that case, for there were a number of intercepted letters, written by Mr. Loveday to Barker, her seducer; and Sir Wm. Scott, said, "that many a woman who would have quitted a brothel would have been ashamed to have written such letters." There was sufficient legal proof in this case, my Lords: and now I am speaking of legal proof, let me tell your Lordships that when the husband brought his action for damages against Barker in this case, he was non-suited for want of evidence, because the letters referred to were not put in evidence;

but in the consistory court, the letters being produced the divorce was pronounced. It was unfortunate for my Learned Friends to have selected this case. In answer I will cite the case of Mortimer v. Mortimer. My Lords, in this case the proofs were so strong, that the Counsel for the wife were about throwing up their briefs, and declining to argue it. The Learned Judge, who never forgot that legal justice ought to be administered, called upon the Counsel to argue the case; it fell to me to argue it, and ultimately the Judge pronounced that the husband had failed in proof of the adultery having been committed, and he used this important expression: "I may have a moral conviction of her guilt; but I have no judicial view of it." In this case against her Majesty, the evidence is such that I presume that no man of common honesty, discretion, or diligence, can find a verdict against the accused. What, my Lords, in the case of my opponents, if I may be permitted to state it? Why, is it this. There have been ample opportunities for the accused to have gratified a criminal passion, and a variety of circumstances have occurred that lead to a demonstration of the guilt of the accused. But, my lords, that opportunity should be a ground to find a verdict, I cannot suffer the idea to be entertained for a moment. I admit that if acts of indecent familiarity had been established by credible witnesses, and that also the parties sought to enjoy a criminal intercourse, it was not necessary to go further; but the facts must be so proved that the commission of them must be above all possible doubt. It is not necessary for me to enter into a long argument to show the character of the witnesses, on whose evidence the case rests entirely; I mean Dumont, Sacchi, Rastelli, &c. were perjured. If, in a common case, I were to show to the Judge that the main charges were rotten, and were supported by perjury, I should throw up my brief, for no Judge would suffer a case to stand on minor and weaker evidence, when the chief support of the case was destroyed. I have showed that one, two, three, four, and five witnesses, are perjured, and can you require me to go on and prove that six, seven, and eight are perjured, or find a verdict of Guilty? My Lords, how is it that we are enabled, by the wisdom and mercy of Providence to discover dark and vile conspiracy? That gracious Power has given to man only that portion of intellect and ability that is necessary to accomplish that which is right and just; and when he travels into the path of falsehood and wickedness, his mind is incapable of supporting him through the mazy track, and he is lost, and his falsehood exposed. My Lords it is not for me to prove her Majesty's innocence of charges which have been refuted by the evidence brought to support them: the law says they shall be proved by unsuspicious testimony. Why were not the witnesses who were called on the defence, called by the prosecutors? Why did not her Majesty's accusers, if substantial justice was all they desired, call these respectable persons themselves to prove what they knew instead of discarded servants? Substantial justice was not their object; they were determined that her Majesty should be the victim of malice; and although her innocence should appear as clear as the light of Heaven, they were re-

solved not to let her depart out of Court without a suspicion of guilt remaining, though there was no proof of it. In every country, since the dark ages, no defendant was ever called to prove his innocence in the first instance; it rests with the accuser to establish guilt. In the first place, my Lords, I shall show the conduct of the Queen and Bergami towards each other. The Attorney General, when commenting with great ingenuity upon the facts adduced, and comparing them with the principles of human nature, said, I will show you that the Queen conducted herself so towards Bergami, that the inference of a criminal intercourse having taken place cannot be doubted to be just. I will show you (said he) that she was under his domineering power, that his influence over her was so very great that the inference is certain, and if I prove familiar intercourse and degrading submission on the part of her Majesty, it tends to show that the last favour has been granted. The natural effect of this intercourse is to destroy respect and distance between parties. It was observed that Bergami's conduct was familiar and forward, and when observed by persons of rank, a most degrading intimacy took place. This is what the Attorney General promised to prove. Now I do undertake to prove to your Lordships that nothing of the kind ever took place; that there never was a mark of disrespect, no improper familiarity, no indecent conduct on the part of these persons towards each other, and having thus unequivocally stated this, I shall bring the proof soon under your notice. How far, how credible, how deserving of attention is the description of evidence which I shall first refer to, I will leave to others to decide. The first, my Lords, is the evidence of Majocchi. He was asked by the Attorney General—"Was there a friendship and familiarity between her Royal Highness and Bergami?" "What is his reply? It is this: "There was rather a familiarity."—Dumont is asked, my Lords—"Did you observe any familiarity between her Royal Highness and Bergami?" She replies, "I made no observation!" I think Dumont was as likely a person, my Lords, to have made observation, if any improper familiarity had taken place, as any one. Majocchi was asked—"Did they walk together like husband and wife?" and he replies, and so does Dumont, in the affirmative. These are the two witnesses to prove familiarity on the part of the prosecution, I shall now, my Lords, in answer to this evidence, go over the testimony of twelve witnesses called on the part of the defence of the Queen; but I will not do them the gross injustice to compare their respectable evidence with that of the two former witnesses to whom I alluded. Lady Lindsay says—"I observed nothing particular; the manner of Bergami towards her Royal Highness was always unobtrusive and respectful." Lord Glenbervie says—"I never saw any thing like disrespect on the part of Bergami." Lady Lindsay is asked, how Bergami conducted himself towards the Queen? She replied—His conduct was such, as in the situation in which he was then, was most becoming. My Lords, Lady Lindsay was with her Majesty in the year 1815, for six months, at

he time the alleged intercourse took place; at the time when her Majesty was so lost to all sense of decency, by her passion for this Italian, and yet Lady Lindsay never observed any thing of this kind. It is proved, my Lords, that Bergami possessed talent and ability above persons who filled the situation of servants. Lady Lindsay says—"that her Majesty's conduct to Bergami was the same as to Sicard, Hieronymous, and all the rest of her suite." In page 529, Lady Lindsay is asked—"Did you ever witness any conduct of her Majesty and Bergami that was calculated to bring disgrace upon the Royal family?" "I never saw any thing of the kind." The Hon. Keppel Craven was asked as to impropriety in the conduct of the accused and Bergami. He says, "I saw Bergami both a courier and when he sat at table, and he always acted with propriety in both of these situations." Sir W. Gell says, "I never saw any thing improper, or indecorous in the conduct of Bergami towards her Royal Highness. My Lords, I cannot suffer a question which was asked this Gentleman, to pass without some notice. It was a question, never, in my recollection, put in a court of justice. I cannot complain if acts or expressions are inquired into; but I have felt throughout the whole trial, let them ask what they please, the more the witnesses are questioned, the more her Majesty's innocence will appear. The question is this—"Did you ever observe any thing in the Queen towards Bergami, either in conduct, conversation, or looks, to induce you to entertain an idea that an adulterous intercourse had taken place between them?" My Lords, to what a degree of unheard of severity was questioning carried. Suppose, my Lords, that in the course of the four months, when witness was in the company with her Royal Highness and Bergami, some loose expression in the wantonness of joy had fallen; suppose one word, one act, one look which had innocently taken place, and it had clouded the mind of that honourable gentleman for a moment, what must have been his answer to this question. Are the charges to be traced not by facts but by suspicion; and are the minds of persons to be cross-examined, are the looks to be interpreted at a time when the heart and the soul are relaxed, in all the confidence of unsuspecting intimacy, when at the festive board, or at the gay dance and concert?—What, my Lords, is the reply to that question? Sir W. Gell says, "I never entertained the most remote suspicion of such a connection having taken place." What will my Learned Friends say to this? They will reply, "The Queen was upon her guard." What does Sicard, the old and faithful servant of her Majesty say? He says, "The manners of her Majesty to her servants were kind, almost to a fault;" and he says, "Bergami's conduct was never improper in my presence, I am certain." My Lords, this old and faithful servant says, that her Majesty was kind to a fault. How melancholy it is, my Lords, that the feelings of kindness and benevolence, which have endeared her Majesty to every person with whom she was acquainted, high and low, should be brought forward as proofs of her guilt, by the persons who are prosecutors in this case! It has been my painful duty to have to attend upon her Majesty to make necessary inqui-

ries as to the nauseous proceedings against her, and I find in her, on every occasion, that dignity, that Majesty, that suavity, and that kind condescension which her enemies condemn her for. Dr. Holland, my Lords, says, "The conduct of Bergami towards her Royal Highness was always unassuming and respectful." What, Mr. Attorney-General, unassuming and respectful! What will you reply to this? and where is your evidence to disprove it? The Doctor also states, "that he never saw any thing that was improper in the conduct of Bergami." And when asked if the conduct of her Majesty was such as was likely to bring disgrace on the country and the Royal family, he replies—"Decidedly not." He was then asked to speak more particularly of her Majesty's conduct towards Bergami, and he says, her Majesty always treated him in the same manner as the other persons of the suite. Was it possible, my Lords, that her Majesty under the influence of this fatal passion, should so trammel her outward conduct towards Bergami, as not at all to expose her feelings, her wishes, and her unlawful desires? Now we come to Mr. Mills. This Gentleman was at Rome in 1817, 1819, and 1820. "He says, I saw her Majesty frequently, I dined with her almost daily, and never observed any thing improper in her conduct towards Bergami; nothing to which an exception could be taken, and nothing likely to bring disgrace upon this country or the Royal family, in the eyes of Europe." It is proved, my Lords, that in 1820, Bergami treated the Queen with the greatest respect and distance. If, my Lords, the Queen had once suffered this man to have gratified an unlawful intercourse, if he had obtained an uncontrolled dominion over her, was it possible that he should ever after pay her that respect which has been sworn to? By what process of human power could this happen? Did any of your Lordships ever know of an instance after criminal intercourse had once taken place, that respect should return? You may as well say that water will return to its source, and that impossibilities will take place. In page 127, Mr. Mills says, "I never saw the Princess arm in arm. I have seen Bergami dining at table, and his conduct was that of a superior man. I never saw any improper familiarity, and the conduct of her Royal Highness was highly becoming." Count Vassali says, "I never saw any thing in the conduct of her Royal Highness and Bergami but that which was consistent with their relative situations." What has the Attorney-General now to support his alleged conclusion? He says that the facts themselves are nothing, but as a whole they establish the alleged fact of adultery. My mode of disposing of this case is shortly this—that the whole of the witnesses who have spoken to any material facts, are suborned and perjured, is quite certain. It was said, that by an ingenious contrivance the Princess got rid of all her English attendants, and that she went to enjoy in secret her criminal desires. Where is the evidence to support this assertion, I ask? And now, my Lords, though no evidence has been offered in support of it, I produce evidence to contradict it. First, Colonel St. Leger was asked—"Why did you leave her Royal Highness?"

His answer is—"I was so indisposed that I wished not to go on travels with her Royal Highness. It was ill health that caused my leaving her Royal Highness." And, my Lords, as a proof that he had not seen any thing improper that caused his leaving her Royal Highness, he says—"I went, in 1819, to Dover, to meet the Queen." Lady C. Lindsay says,—"I quitted her Royal Highness in consequence of a previous arrangement." This fact alone was sufficient of itself to disprove the charge of her Royal Highness having been deserted by her English suite in consequence of their having witnessed improper and disgusting conduct. An important fact, my Lords, is, that part of the evidence of Lady C. Lindsay, where she says,—"that, when she left her Majesty she was applied to by her to join her again in Germany." Would the Queen have proposed this to Lady Lindsay if she was at the time living in the state alleged; what, my Lords, ask Lady Lindsay to come and witness her guilt, to see her dalliance with her paramour? If, my Lords, one witness had been brought against her Majesty like this honourable Lady—if only one witness, so pure, so honourable as her, had been brought to swear against her Majesty, I and my Learned Friend must have thrown down our briefs, and given up the defence. Such a witness requires no comment; it shows, however, that the conduct of her Majesty was pure and innocent, and that she had nothing to fear by her conduct being seen by such an honourable and respectable Lady.—I now come to the Hon. Keppel Craven. He says, in page 519 the cause of his leaving was the death of his mother. Sir W. Gell says, he never saw any thing improper; and as a proof of it, he returned to her Majesty, and was joint Chamberlain with Bergami. Sicard says, that he came to England to attend her Royal Highness's pecuniary affairs, which required attention, being much deranged; so much for the English leaving her Majesty. But, another circumstance which is a strange anomaly, is, at the time that her Majesty was enjoying secluded intercourse with her paramour, that she should have called Lient. Hownam to her side, and for three years kept him to look on her guilty practices. Now, my Lords, I have, I think, disposed of those two heads, viz. the "disgusting and indecent familiarity of her Royal Highness and Bergami," and also of "the English attendants leaving her in consequence of witnessing these indecencies;" and I now proceed to another point. I allude, my Lords, to the charge made against her Majesty, of keeping herself secluded from persons of her own rank; that she kept low company, and refused to keep the society of her equals. This charge is entirely unsupported; there is no proof of it adduced at your Lordships' bar; but I shall show your Lordships that what they have charged, and not proved, has been disproved beyond all doubt, by creditable witnesses. Dr. Holland says, that her Majesty was visited at Naples by all the Nobility, natives and English, and also at Milan. He also swears, that the same took place at Genoa, the place, let it be recollected, that was fixed upon to prove that her Royal Highness retired from society to enjoy criminal pleasure in secret. My Lords, there

was not a Court in those parts where her Majesty travelled but she visited, and she was received as a lady of her rank and character ought to have been. Lieutenant Hownam says, that she was "dignity and grace" itself. One of his Majesty's Ministers to the honour of himself, the country and human nature, has openly disclaimed all participation in this most cruel and wicked prosecution. I must inform your lordships that there was one exception as to the reception of her Majesty at one of the courts on the continent, and this was at the court of Vienna. At that court Lord Stewart was the ambassador (the brother of Lord Castlereagh, one of the present prosecutors); he resided there, and was the fosterer of Majocchi, the principal defier in perjury; the reasons for such a reception will remain in your lordships' minds as long as reason and truth exist.—At Naples spies were set about her Majesty. At Genoa her Majesty's dwelling was attacked, and she remained under constant apprehensions, as Lieutenant Hownam deposed; and it was necessary to have some confidential person near her. If her Majesty had been guilty, would she have left the delightful enjoyments of Italy, to have gone the most arduous and difficult journey ever undertaken by any Christian Princess, when she might have satisfied herself with criminal pleasures at home without courting observation? Such conduct was inconsistent with guilt. (The Learned Gentlemen then adverted to the evidence of Madame Dumont, as to the scenes she swore to at the ball, the Theatre, and in her Majesty's bed-room; and showed the falsehood and inconsistency of her story, and compared it with the evidence of Sir W. Gell, Mr. Craven, Sicard, and Carrington.)—I must not forget to state that Dumont swore that her Royal Highness came home from the Opera at Naples early, and that she went to bed immediately. Sir W. Gell, says, that her Majesty did not return till late; viz. one o'clock, and she was exceedingly fatigued, and he saw her to her bed-room. So the Attorney-General would wish your Lordships to believe that she was so amorous that she went fatigued to the arms of her lover. The Learned Gentleman then referred to Dumont's evidence, in which she swore that her Majesty's dress at the ball of Naples, was indecent and disgusting; and to the evidence of Sir Wm. Gell, Mr. Craven, Carrington, and others who deposed to the contrary; also to the evidence of Dumont, as to the Queen being hissed out of the Theatre, which was contradicted by a number of other witnesses; he adverted also to the charge of Bergami dressing and undressing the Queen on the night of the ball, which was unsupported by proof. He asked the Attorney-General if more persons than one, and that one Dumont, a discarded servant, could not have been brought to have proved what took place at the Theatre, if it had been true. But, my Lords, the structure is thrown down, and I have proved, in the face of this august assembly, that the charges against her Majesty are false, and that my illustrious client is the innocent victim of the vilest conspiracies ever matured by the invention of man.

Dr. Lushington retired for a short time, and returned at twenty minutes after one o'clock, and resumed.

He entered into a consideration of the evidence, and said, that if

once a witness was found to have evinced a malicious motive for his evidence, their Lordships ought to dismiss all that he had stated, upon the ground that if a man had once sworn falsely, no reliance could be placed upon any part of his statements. According to our law, my Lords, the evidence of Majocchi could not be received if he was once convicted of perjury; and if, instead of the record of a Court of Law, I produce proofs in fact and common sense that he has sworn falsely, ought not the impression upon your Lordships' minds to have the same result as if this man had been legally convicted of perjury? Why perjurers who have gone deep into falsehood occasionally stop short and express doubts is not for me to say; but my Lords, is the charge brought here against the Queen, at all reasonable? The Queen was travelling in the night, in a hot country, so fatigued that she could hardly sit upon her horse, and taking two hours rest under a tent; and I would ask if there is a man whose mind is so warped as to suppose, that in those two short hours, and under those circumstances, she could have an idea of adultery. If there be such a man, I pity his understanding. Now, my Lords, I come to the polacre, I do so fearlessly, and I would remind your Lordships that I have a right to say, that the Queen of England entered that tent untainted and unspotted. [He now retraced the evidence of the polacre, to show the alterations in the arrangements of the cabins were on account of taking the doctor on board.—That Bergami had slept in the dining-room on the outward voyage, and that on the return the Queen had an awning erected. The reasons for the change was proved to be the inconvenience of a great stench below from the cattle. It was said, that under the same tent slept Bergami for six or seven weeks, but extorted as the evidence of Hownam had been, and taking only his belief from his own hearsay, he (Dr. L.) would say, that never was conviction founded upon such evidence.] But (says Dr. L.) I will not appeal to your own minds on this ground; in the name of my Royal mistress I disclaim and abandon it. Grant that Bergami slept under the tent—I acknowledge it and justify it. I have shown good and excellent and sufficient reasons for men sleeping on deck. It is a misnomer to call this a tent; it was an awning that covered the whole of the ship, and which was not fastened to exclude observation, but open to the whole crew. I have the evidence of Mr. Hownam to state, that this tent could be easily opened by night; and I have the fact of Lieutenant Flynn opening it at night by simply pulling aside the Canvas. It is little short of madness to suppose that the tent was the scene of adultery; and I shall not insult your Lordships understanding by dwelling more minutely upon it. But your Lordships will hear a great deal about an admission from Lieutenant Hownam as to the tent, and you will be called upon to form a conclusion of guilt from those circumstances, which, in a correct mind, are a proof of innocence. [He then went to the evidence at the Villa d'Este, as to the Queen and Bergami, being in an indecent position, and remarked upon the inconsistency of a mason walking into the chamber of the Princess in search of his master. He asked if this could happen in

the house of the Princess, who had a large suite, and where he must have met some persons in his way to the apartment. Dr. Lushington also remarked upon the inconsistency of his saying that he saw the Queen and Bergami, and his acknowledging that he merely opened the door and shut it again, and that he staid so little time, that he could not see whether it was a chair or a sofa that she sat upon. Another inconsistency was, that he stated in the evidence that he was there only the twinkling of an eye, and yet pretended that he had a long conversation with Bergami.] I will point out another inconsistency. Her Majesty has not been suspected of swimming over the Thames, but she goes to the Lake of Como, and takes a fancy to swim in the Brascia. The witness swears that the place where Bergami and the Queen were bathing was two feet and a half deep, and yet he swears when they came out of the water, their clothes were wet at the top. Now, my Lords, I will give a few moments to my friend Mahomet, merely to state, that if you will not take the evidence of Lieutenant Hownam, you will have an opportunity of seeing him dance; for Mr. Elliston has sent for him to play at Drury-lane. It is worth while to see how the malice of man can distort the most innocent acts. In speaking of the Barona, Sacchi says, persons of low rank and character were introduced, and proceeds to show that the parties withdrew for improper purposes, and that the Queen was aware of the cause of their leaving. But if we look to the evidence of Lieutenant Hownam and Vassali, we shall find that the Barona was a small country house which my learned friends would magnify into a large estate, conferred upon her favourite Bergami; that it was carnival time; that the Queen gave these balls to farmers daughters, and that the servants did not come in until the Queen had withdrawn. Were not the prosecutors, even if the fact had been as Sacchi represented it, bound to produce the evidence of all the servants who were at the Barona? There are one or two observations upon the occurrence at Carlshofte, which are worthy of notice, as the evidence is that of Kresse, who is forced by her Government to attend at your Lordships' Bar. I do say that Kresse is perjured, or that the Minister of the Grand Duke of Baden has told a falsehood; Kresse says that she was asked to come over here by M. de Berstett, who told her that if she did not go voluntarily she should be forced—and forced she was by this Minister; if he did not force her, Kresse has sworn falsely—if he did, what shall I say to such means of procuring testimony? (Here Dr. Lushington read part of the correspondence between M. de Berstett and our Ministers, in which he says, that no agents of Government have interfered to compel witnesses to come here against the Queen.) I will not shame your Lordships' judgment by supposing that any one who sits here will inflict a wound upon his conscience by taking the testimony of Kresse as any evidence against her Majesty. For the honour of England I will believe that the Hanoverian Minister, and his brother inspector of dirty sheets, were not set upon their abominable labours by any other prompting than the wicked feelings of their own hearts. My Lords, we have closed this case without

calling the Countess of Oldi, Schiavini, W. Austin, the sister of Dumont or any of the numerous witnesses who are now in attendance. I heard with astonishment, the Counsel on the other side call upon us to produce further witnesses after they have proved no guilt, and we have so fully established our case.—Mr. Brougham had once said, that he would call the sister of Dumont; and he was then right, because our witnesses had not all arrived, and he did not know that we should be able without her, to prove the falsehood of the charges against the Queen. I will freely admit that these witnesses are those who have the confidence of the Queen, and that they are under obligations to her Majesty. It would be said that they were the relations of Bergami, the dependants of her Majesty, and, therefore, any thing they could say would be looked at with suspicion. But why did not the prosecutors call them? No man of judgment would have called these witnesses for the defence, without necessity. Let my learned friends point out one charge supported by creditable testimony which we have not met; and, before I put Brunette in this box, I must have something further to do; for I will not call her to refute such witnesses, and expose her to a cross-examination from the merciless prosecutors. I do not fear cross-examination for the Queen; but when I find an instance of cross-examination of Lord Guilford, as to circumstances which had never occurred; and also of Carlini, why should I expose witnesses to cross-examination in which facts might be inquired into which had nothing to do with the charges? Dr. L. here took the same ground as was taken by Mr. Denman yesterday, and added that no man who presumed to act in a cause would put witnesses into the box, when the whole *depot* at Cotton Garden might be called to contradict their declarations. Believing, as I do, that this is a foul blank, and abominable conspiracy, and as there is no necessity to call further witnesses, I think it is due to my Client not to expose her to the risk of injury, when no man with an honest heart dares to say that there is an accusation brought upon just grounds. After a few short but excellent remarks, upon the means which the Prosecution had to crush her Majesty, and the course of oppression which she had encountered, he concluded his speech in the following words: "Now, my Lords, I place this case in your hands, with the most perfect confidence; appealing for an acquittal of my Illustrious Client, not to your Lordships' mercy, but to your justice."

Adjourned till to-morrow at 10 o'clock.

FORTY-THIRD DAY.—OCTOBER 27.

THE ATTORNEY-GENERAL commenced his reply in so low a tone of voice, that a great part of his introductory observations were entirely lost or very imperfectly heard. He expressed the reluctance he felt at having once more occasion to call upon their Lordships to hear what he had still to state on the subject. His Learned Friends on the other side had been for the last three days employed in addressing their Lordships, and therefore their attention must now be in

a great measure exhausted. Beside, the subject itself had, by frequent discussion, become trite. Before, however, he approached the facts of the case, he hoped their Lordships would permit him to advert to a topic which had been much dwelt upon, and strongly and frequently urged on their attention in the course of these proceedings—namely, the peculiar disadvantages under which her Majesty was alleged to labour in making her defence. But, whatever might have been said on that topic, he had no doubt their Lordships would agree with him, that the whole of the allegations connected with it were unsupported by fact, when they came to consider the manner in which the proceedings against her Majesty had been conducted. When all the witnesses for the prosecution had been examined, and their evidence printed—when all the charges and the proof had become fully known to her Majesty—at that important period, at the close of the evidence, their Lordships permitted the case to stand over, and allowed her Majesty whatever time she might think fit to demand for preparation. Unlimited funds were placed at her disposal to answer every expense which might be incurred, and every facility which the government of this country could afford for procuring witnesses from abroad was supplied. He hoped that this extraordinary indulgence which their Lordships had been pleased to grant would not be hereafter drawn as a precedent, for nothing would be more hazardous in the administration of justice than such a practice of affording time to answer a case after the evidence in support of the charge was gone through; and this observation applied particularly to the present case, according to the showing of the other side. It had been alleged that the witnesses were perjured and corrupt because such testimony was easily procured in the country from which they came. But if perjured testimony could so easily be procured, did not the publication of the evidence, and the delay allowed for the defence, facilitate the obtaining it? He was sure, therefore, that her Majesty had sustained no disadvantage from the manner in which the proceedings against her had been carried on; and that she would have no reason to complain of her defence being injured, even if the most extraordinary talents had not been employed in conducting it.—Her case was now presented to their Lordships, not under circumstances of disadvantage, but under those advantages, with respect to means of defence, and the ability with which they were employed, never before experienced on any other occasion. If, then, after all these great means and resources, they have failed—if the case remained as it originally stood, uncontradicted—nay, if it be supported by the evidence adduced on the defence, her Majesty certainly cannot complain that her failure is owing to any impediment experienced in her defence. Under these circumstances, the path he had to pursue was a plain one, though it might be painful and tedious. He could not enliven it with the eloquence of his Learned Friends, nor scatter over it those flowers of imagination in which they had indulged. To them the field of ornament was open. He was, on the contrary, condemned to cull only simple facts, and lay them plainly and unadorned before their Lordships; to examine with

care and attention the evidence which had been adduced in the case upon which facts and evidence their Lordships must ultimately decide, without reference to any of those irrelevant topics which had been so unsparingly introduced. The first of these circumstances was the favours shown by her Majesty to that person whose name had been so often mentioned in the course of these proceedings—he meant Bergami. That man was taken into her Majesty's service at Milan, in the month of October, 1814; that within a few short months that man, without any apparent motive on the ground of his services, was taken into particular favours, was advanced and placed on a footing of familiarity with his mistress; and that he still held a menial situation at Naples; his child, and others of his family, were taken into her Majesty's household. Their Lordships would also find that within a short period after he was engaged, and while he was still a courier, he dined with his Royal mistress, and that he was very soon after raised to a station which might have regularly entitled him to that honour. Their Lordships would likewise see in the evidence the proof of his having been loaded with titles, doubtless procured through her Majesty, because it was absurd to suppose that such a man as Bergami had the means of obtaining them. He was now placed on terms of the closest familiarity with her Majesty, and that intimacy continued for a period of six years, without diminution, until she arrived at the opposite shore on her way to England, when he was dismissed—not, however, dismissed her service, but to a seat which the Queen had provided for him at Milan, her regard for him continuing the same, though she had not brought him to this country. Bergami having been hired at Milan as courier, under circumstances he should hereafter examine, proceeded in that capacity to Naples, where her Royal Highness arrived in the month of November, 1814, and from that time commenced the evidence in support of the preamble of the Bill. In entering on this part of his subject he would remark that his Learned Friends did not consider the evidence as it really stood, but in reference to his (the Atty. General's) opening and, because it fell short of that opening, they inferred that his was of no value, and said unless the case opened was all proved the whole of it must fall to the ground. His Learned Friends knew too much of the practice of Courts of Law not to know that no Counsel was tied down strictly in stating his case. In every instance a wide field was left for Counsel in this respect. But suppose he were to grant the assumption of his Learned Friends, what state would they themselves be in when he showed how they had failed in their case? If this argument were to prevail, he would not only shew that his learned friends had failed, but that they had not even dared to attempt making out the case which they had opened to their Lordships. The evidence of what had passed at Naples had been examined solely with a view to what he (the Attorney-General) stated in his opening speech, and then because the facts had not occurred exactly as he had stated, though substantially proved, they were said to have been overthrown. What had happened at Naples? It had been proved that Bergami who had previously slept with the other servants in the suite of her Royal

Highness was removed to an apartment which had a private communication with that of the Princess? How was this met? It was said that the whole statement had been contradicted; but he begged to call their Lordships attention to the evidence which has been offered on this subject for the defence. It was stated, that on the first night after the arrival of her Royal Highness at Naples, Bergami slept with the rest of the suite; but on the second, that arrangement of which he had spoken took place. This, it had been said was done without the knowledge of her Royal Highness by Sicard himself. But it would be found from the evidence, that though he had no communication with the Queen he had a communication with Hieronymus on this subject, and as Hieronymus had not been called, who could have proved what that communication was, he felt a strong suspicion growing out of this circumstance, that the change which had taken place was in consequence of directions issued by her Royal Highness. Sicard was asked, what was the reason for making the alteration? He called on their Lordships to mark the reason which had been given. It was, that he thought it necessary that some one should be there to protect her Royal Highness against any one who might enter the house from the garden. But the room in which Bergami slept, opened into that of her Royal Highness, and she was not protected from any one who might enter from his cabinet. How happened it that that communication was not cut off which would have added to the security of her Royal Highness, which Sicard had in his view when he placed Bergami there? He wished their Lordships to observe the contradictory evidence by which this was attempted to be accounted for. Though Sicard placed him there on account of the danger he apprehended from persons who might enter that way from the garden, Carrington had heard nothing of this danger, and understood the removal to have taken place merely because Bergami had complained that he could not stand upright where he had lodged on the preceding night. This according to Carrington was the sole reason of his removal. He said therefore, that when the attempt to explain this extraordinary fact was not satisfactory, and their Lordships could not doubt, from the subsequent evidence, that the alteration of the rooms took place to make more easy the intercourse between Bergami and her Royal Highness. Another point in which it was attempted to establish a contradiction to the testimony of Dumont, was, as to the time in which the Queen returned from the Opera. Dumont, speaking of the time at which her Royal Highness had returned from the Opera, had said, it appeared to her to be early. What Sir William Gell and Mr. Craven had proved on this subject established no contradiction of Dumont. Dumont, however, did not swear positively that she came home early; she only spoke to her belief on the subject, and, as far as her recollection served her, she thought her Royal Highness came home early. Whether she returned early or late however it did not signify; for this fact was clearly proved, that she dismissed her attendants, having previously gone to the cabinet, for a purpose which Doctor Lushington yesterday attempted to explain, but which ex-

planation was in contradiction to the evidence of Doctor Holland, who did not recollect whether there was a water closet there. It was attempted to contradict, by Sicard, the assertion that her Majesty remained in her room late in the morning. Now Sicard said, that it often happened that her Majesty remained late in the room, but that he does not remember whether it happened at Naples. In another part of the case the weakness of the defence was manifestly evinced. Dumont when speaking of the comparison between the travelling bed and the large bed in the same rooms, swore that the next morning the travelling bed appeared to have been never lain upon, while the larger bed bore the impression of two persons. Mr. Williams had opened, as a contradiction to this statement, that he should call a servant who went into her Royal Highness's room after she had retired to rest, in order to shut a window that was blown open, and she was then actually reposing on this very travelling bed, which according to Dumont, appeared the next morning not to have been slept in. Where, the Learned Counsel would ask, was that servant? If it were Misonymus, why was he not called? He was now in this country. He was still in the service of the Queen, but yet he was not called. Did his learned Friends dread the same fatal nervous debility would attack that servant that so unfortunately afflicted the unhappy Flynn; or did they fear that a sudden unaccountable forgetfulness might have washed the circumstance from his recollection, if it had ever existed? He contended therefore, that Dumont, far from being contradicted as to the bed, was confirmed by the evidence as it now stood. His learned friends had hauled this part of the case very ingeniously; they had said that from the manner in which it had been treated by him in his opening, it was to be considered by their Lordships as the foundation of the whole, as the keystone of the case; and that if they pulled down this, the whole superstructure which had been raised upon it must fall. But he denied this assumption; because, whether the adulterous intercourse commenced on that night, or at that period, the case was the same. It did not signify whether the adultery commenced on that night or not; because there were ample proof of a criminal intercourse existing, long before Bergami had so many honours conferred upon him. The learned counsel, however, contended that the evidence respecting the facts at Naples were in no way invalidated. The next case proved by Dumont was, her meeting Bergami in the corridor one night in his shirt, walking towards her Majesty's room, and he was much surprised at the argument of Mr. Denman on that point. He had contended, that this circumstance was rather calculated to excite a suspicion that an adulterous intercourse had taken place between Dumont and Bergami. What were the circumstances stated by Dumont on that occasion? She had stated, that when retiring from her Majesty's room, on opening the door, she saw Bergami advancing from the other end of the corridor. She instantly made her escape, as she called it, and when she had escaped she heard the lock of the door

turn so as to exclude the interruption of any person. His friend had endeavoured, by observation and argument, to do away the effect of this evidence, but still the evidence is too decisive of an adulterous intercourse having taken place, to be shaken. The next case in the evidence was that of the masked ball. His learned friends have called a good deal of evidence on this point, but had they succeeded or not? He said that here again there was no contradiction. Dumont had said that after her Royal Highness had appeared at the ball, in the dress of a Neapolitan peasant, she withdrew to her dressing-room, attended by Bergami; that they remained in that room three quarters of an hour; that she then came out and appeared at the ball, dressed as the Genius of history, and that after waiting a long time two Neapolitan ladies appeared, and immediately the Queen followed with a wreath of ivy or olive, and put it on the bust of the King; and that all this passed like a flash of lightning. Now the delay which took place on that occasion was explained in the testimony of Dumont, by the Queen's changing her dress, and by Bergami's assistance. The other facts, stated to have happened by Dumont at Naples, were what took place in the Theatre of San Carlos, and her Royal Highness's walking arm in arm on the terrace with Bergami. His Learned Friends had said, that the charge as to the theatre had failed, in consequence of his having in the opening carried the case farther than the evidence had supported it. But the question was, did her Majesty go to the theatre on that night or did she not? He did not blame her Royal Highness enjoying the amusement of a masquerade, nor was he so ignorant as to suppose that persons at a masquerade are not disguised; but he blamed her Royal Highness for not having gone with her suite, for not having gone attended by Mr. Craven, and Sir Wm. Gell, or Dr. Holland, who was there at the

Mr. DENMAN—How does that appear?

The ATTORNEY-GENERAL said he would show how it was proved. He should be very happy if his learned Friends interrupted him if in any case he mistated the evidence, for he assured them he should despise himself if he wilfully mistated it. Why, he said if her Majesty did choose to go to this masquerade, why did she not go in company with some gentleman of her suite, or with Dr. Holland, who it appears was there? "Were you," he was asked, "ever at a masquerade at the theatre San Carlos, when her Royal Highness had been there?" I was. "With whom did her Royal Highness go there? I was not aware till the following morning that her Royal Highness had been there." Now has not it been proved in evidence that her Majesty has been at a masquerade there more than once?—There was no doubt then that she went to the masquerade in company with Dumont and her courier Bergami. Now as to the other statement, Dumont said, that she saw Bergami and the Princess arm in arm on the terrace. How was this contradicted? Sir W. Gell said he once saw the Queen on the terrace, with Bergami in attendance; but the evidence of Mr. Keppel Craven was most extraordinary. He said, that he saw her Royal Highness

walking to the garden. He said, it was his duty to warn the Queen that there was a Spy in Naples. And why? Because he saw her walking in the broad day on a terrace completely open, as he says, to the inspection from the house and neighbourhood, with Bergami in attendance. How was it, on such an occasion as that, he had thought it necessary to assume the character of her Majesty's monitor, and advise her to be cautious how she regulated her conduct? What was there improper in her walking on the terrace with a servant behind her? Had that servant been Sicard or Hieronymous, would Mr. Craven have thought it necessary to hint at the imprudence of her conduct. There could be no doubt from this, that he had himself seen something, that suspicions from some quarter had come into his mind, that there was something improper in the Queen's walking with that man. But when her Majesty had been so cautioned at so early a period, how could that caution be reconciled with her subsequent conduct to this highly favoured individual? At Naples, by an extraordinary fatality, the different English persons who composed her suite dropped off; Sir W. Gell, Mr. K. Craven, and the ladies. Her Majesty went from Naples to Rome, thence to Civita Vecchia, and by sea to Genoa. It was said by the learned gentlemen on the other side, that all the accounts of improper familiarities had fallen to the ground. His learned friends had forgotten the evidence of Lady C. Lindsay as to that journey. At Naples said Lady C. Lindsay, Bergami, waited on her at table and when she walked out—that very shortly after their arrival he was constantly preferred to all other servants. As to a journey from Naples to Rome, or Rome to Civita Vecchia, it did not signify which, Lady C. Lindsay was asked, "Do you recollect Bergami's coming up to the carriage and saying, *A boire Madame?*"* Her Ladyship did not deny the expression, but said, "I perfectly recollect his coming up to the carriage, but it was after he was called; we had provisions in the carriage, and her Royal Highness gave him some of the provisions out of the carriage, and something to drink." She did not venture to deny positively that he did come without being called; her Ladyship exhibited that tenderness of memory, which was, by Mr. Brougham attributed to Majocchi: she did not venture however, to deny that a bottle was handed from the carriage to Bergami, and that he drank out of it without a glass, and that it was returned to the carriage. Her Ladyship first said, that she did not know whether it was returned or thrown away, but afterwards she believed it was returned. Now, was not that a familiarity? Would any other courier have ventured to take such liberty. This fact alone extracted from an unwilling witness, spoke more than any facts to which he could bring direct evidence. Lady C. Lindsay the solitary female witness in this cause; the only English or Italian lady who came forward; in such a case as this, in which female testimony was infinitely more valuable than that all the Mr. Mills, and Colonel Olivera's and Versalli's, and all the other individuals who had been brought forward. Lady C. Lindsay, who after 24 days left the Princess's service and was deterred from returning by reports and rumours. Lady C.

* To your health Madam.

Lindsay admitted this gross familiarity. This was the only witness adduced to support the character, to maintain the dignity of her Royal Highness. Both his learned friends, Messrs. Denman and Brougham, had observed upon the subject of Bergami's introduction of so many of his relations into the establishment of the Princess, so soon after he was engaged as a menial servant, that nothing was more natural than that Bergami having the engagement of servants committed to his discretion, should select his own relations or friends. But it would be recollected that the introduction of Bergami's relations took place at Genoa while he was yet a courier—still in that situation it appeared, that he was admitted to the table of the Princess, and his mother, sister, brother, and child received into the family. For a statement of the manner in which the Princess conducted herself towards Bergami at Genoa, in allowing him while a courier in livery, to sit at her Royal Highness's table, as well as for a description of the relative situations of the bed-rooms of both, the learned gentleman referred to the testimony of Majocchi and Dumont in pages 9 and 259—Dumont deposed that the door of her room, which adjoined that of the Princess, was, every night after the witness went in, locked by her Royal Highness herself, the bed-room of Bergami being on the opposite side of that of the Princess; and farther, that in passing into the Princess's room in the morning, whither she was called by the Princess herself, (she the witness) saw that "most often" the bed of her Royal Highness had not been slept in. Here the Learned Gentlemen took occasion to call the attention of their Lordships to that which his learned friends, Mr. Brougham and Mr. Denman, had both asserted in the most confident manner, namely, that they had contradicted in evidence, every material part of the depositions made in support of the Bill, whenever the witnesses who made those depositions, were exposed to any contradiction. Now, Majocchi deposed that he saw Bergami, while a courier, breakfasting with the Princess, in a cabinet of her Royal Highness's house at Genoa, that he waited upon them, and that Louis Bergami also waited upon them occasionally. Dumont corroborated Majocchi, adding that they were waited upon by either Louis Bergami, or a man of the name of Cameron. Now it was evident that if these depositions were untrue, they could be contradicted by Cameron. Here then is a statement capable of contradiction, which has not been touched upon by the other side, and those depositions referred to facts which clearly evinced the familiarity that existed between the Princess and Bergami. It was proved by the testimony of Majocchi that the Princess admitted to her table a menial servant in livery, and this testimony was confirmed by that of Dumont. His Learned Friends on the other side had stated, that their illustrious Client was anxious to bring forward the fullest proofs of her innocence—that she was determined to wipe away the slightest stain from her character; and in this anxiety and determination his Learned Friends concurred. Then how came it that his Learned Friends did not adduce Cameron or Louis Bergami to dislodge the idea of the Princess having been so familiar with Bergami, the courier, as to allow him to sit at her table,

while no other servant was admitted to that distinction? His Learned Friends on the other side must feel that it was desirable to remove the impression of their Royal Client's familiarity with Bergami in this case, which familiarity, he would take leave to say, without meaning any offence, was quite unbecoming her Royal Highness's rank, but his Learned Friends, no doubt, in the exercise of their sound judgment, had quite sufficient reasons for declining to adduce either Louis Bergami or Cameron. Upon what had been said about Baron Ompteda, he did not think it necessary to take any particular notice, for although their Lordships had heard much of declamation upon that subject, they had seen nothing whatever in evidence. But to proceed to Milan—there it was found that all the English ladies belonging to the suite of her Royal Highness had left her, namely, the ladies Lindsay, Campbell and Forbes. She did not say to the Doctor, "All the English ladies have left me, I cannot procure any Italian lady of rank or education, not even Madame Falconet. Thus circumstanced, then, I am under the necessity of appointing the sister of Bergami to the situation of dame d'honneur." Dr. Holland remained there for several days after the appointment of the Countess of Oldi, and yet he knew nothing of her relationship with Bergami. Dr. Holland spoke French, of which the Countess was ignorant, she being only able to speak Italian or rather Paroia. Of course, then, there could be no conversation between the Doctor and this Countess. But what could be the reason of the Princess or concealing the relationship of the Countess. Did she feel it disgraceful to herself to make such a selection and to appear as her dame d'honneur? Lord Guilford dined at the table of the Princess, with the Countess of Oldi, at Villa d'Este, and was not informed who she was or that she was the sister of Bergami. The fact then, of such concealment, spoke most forcibly as to the nature of the intimacy between the Princess and Bergami. It was obvious indeed, from this fact, that an improper intercourse existed between those parties, and there was an apprehension of betraying it by making known the connection between the Countess of Oldi and Bergami. The Princess must naturally suppose that the relations of Bergami would not be forward to view with a very scrutinizing eye her conduct towards that person.—Therefore, all the English ladies having left her, and having no Italian lady of rank about her, she appointed the Countess of Oldi as her only dame d'honneur, while she had always two dames d'honneur before. Her Royal Highness therefore had herself surrounded by the relations and friends of Bergami, who were most likely to overlook or to conceal any familiarity or improper intercourse which might take place between her and her servant. He next alluded to the amusement at the Villa d'Este, which did not take place until after Lady Charlotte Lindsay, and all the rest of the English suite, except Lieutenant Hownam, had left her; and which marked the growing passion of her Royal Highness, which produced that conduct which did not become her high station notwithstanding her extreme affability. The testimony of Lord Guilford, and

all other English witnesses, which it was expected, would completely destroy the Bill, so far from that proved facts, which of themselves were sufficient to convict her Majesty of the charge preferred against her. Lord Guilford proved that he saw the Queen and Bergami alone in a canoe as he approached the Villa d'Este, and subsequently beheld Bergami take his seat at dinner beside her Majesty, although but a few months before he had waited behind her chair in his Lordship's presence. The time that had elapsed from the one period to the other was only a few months, namely, from March to November following. It was not then upon Italian witnesses alone, that the advocates for the Bill before their Lordships had to rely for support, but upon the evidence of one of their own body; for the evidence of Lord Guilford alone was enough to sustain one of the material allegations in the preamble of the Bill, and excite the strongest and most serious suspicions against the Princess's intercourse with Bergami. There was no reason assigned by the Princess to Lord Guilford for the elevation of Bergami from the office of a menial servant to the station of an intimate companion. It was no doubt, this fact combined with other circumstances and rumours, which induced the noble Lord to advise his sister to quit the service of the Princess. In this advice Lord Guilford acted a very proper and becoming part. But in the cross-examination of Lady Charlotte Lindsey, it was said, he understood, that he (the Attorney General) had violated confidence, in questioning her Ladyship whether she had not at other times, made different declarations from those which she had deposed in evidence with respect to the conduct and character of the Princess. But the charge was quite unfounded. The statements to which he had referred in his cross-examination of this lady had been quite unsolicited by him, but having received them, they having been voluntarily given to him, he should have felt that he had not discharged his duty as an advocate, if he had not put to her the questions alluded to, with a view to elicit the truth. This lady had only for a short time an opportunity of observing the conduct of the Princess and Bergami. It was however remarkable, that she could not recollect seeing the Princess and Bergami walking arm in arm, at Civita Vecchia. If, indeed, it were not merely a waste of time, he had no doubt that he could produce as many *non mi ricordis* from some of the English witnesses as could be found in the testimony of the much abused Theodore Majocchi.

At one o'clock the Attorney-General, on the suggestion of the Lord Chancellor, withdrew for a short time.

THE ATTORNEY-GENERAL resumed.—At the time that he broke off he was coming to that period when her Royal Highness embarked on board the *Leviathan* at Genoa; and here he would refer their Lordships to that part of the evidence in which Dumont and Majocchi had described the disposition of the rooms at Genoa, at Milan, and the other places which they visited. He called their attention to these facts, as they have not been at all contradicted. There was but one instance only in which even an attempt had been made, and that with respect to the account given by Majocchi as to the dispo-

sition of the rooms at Villa d'Este. Majocchi had mentioned a private stair case, and an attempt had been uniformly persevered in, and that it was adopted on board the Leviathan as in all other places. They would find in the evidence of Captain Briggs, that he had made a disposition of the apartments, according to which her Royal Highness and Madame Oldi were to have slept within the dining-room in adjoining rooms, and a female of her Royal Highness immediately near them. Of this disposition, however, her Royal Highness disapproved. She preferred a recurrence to her universal practice which was to have Bergami, the favourite equerry, in an adjoining room. Their Lordships would recollect that when Captain Briggs was last examined he described a conversation with Mr. Hownam, which Mr. Hownam professed to have forgotten, though it took place only a month or six weeks ago. But why did he remark the alterations of the cabins? It was because the alteration was a part of the system which runs through the whole of the evidence. What occasion was there that Bergami should lie in the adjoining cabin? Would not the purpose of protection have been answered if a female servant had slept in the next room to the Princess, and Bergami had slept somewhere near? But was there cause of apprehension on board the Leviathan? Had she any thing to fear there? No; yet Bergami must be so placed that the door of his cabin opened almost immediately into her Royal Highness's room. When Captain Briggs was asked how far it was possible for a person to pass from Bergami's room into that of the Princess without being seen by him, he had admitted that it was possible, though not very probable, the person so doing would run a great risk of his hearing something of it, but he might have been asleep or on deck, where he often happened to be all night. Such was the arrangement made by her Royal Highness. It appeared also from the evidence of Captain Briggs, that her Royal Highness and Bergami were in the habit of walking arm in arm upon deck. Her Royal Highness visited Elba, and afterwards Sicily, and by reference to Majocchi's evidence and Dumont's their Lordships would find an account of the indecent familiarities which took place at Messina. It had been supposed by his Learned Friends that there was some variance between the testimony of Majocchi and that of Dumont with respect to the kissing at Messina, but there was no evidence to show that the two witnesses spoke to the same fact. He would next allude to expressions which had been used by her Royal Highness, and which no one could use, particularly to a servant, if a criminal intercourse had not occurred. He alluded to such expressions as "*mon cœur*,"* and "*mon ami*,"† which no woman could use to a man with whom he had not indulged in an improper intimacy. The next important fact was that which took place at Catania, and if the statement of Dumont was true, the fact of adultery was proved beyond a doubt. What was the fact? that in consequence of the illness of Bergami, a change had taken place in the sleeping apartments. There was a room between the Princess and Madame Oldi's in which Dumont slept. Her Royal Highness slept with the little Victorine, and the evidence of Dumont

* My heart.

† My friend.

stated, that one morning, having remained later than usual in her room, she saw her Royal Highness come out of Bergami's room in the dress she actually slept in, and with the pillows of her bed under her arm. It had been said that Dumont was unworthy of credit; his Learned Friends had exerted all their eloquence to invalidate the testimony of discarded servants, and to show that Dumont was unworthy of belief. He had supposed, from the line of argument which they adopted that they felt confident, after the letters of Dumont were exposed, that her evidence could not be relied on. How then must he have been surprised when, after all their eloquence and pains to prove her unworthy of credit, they found they had so far failed as to be under the necessity of producing their last witness, a milliner, from Morge, to establish a contradiction, on a collateral fact? They had called that witness to depose as to a conversation which had taken place in April, 1818. This was a demonstration, if such demonstration were required, to show that even his Learned Friends themselves felt that her testimony was not shaken. It was a matter of great regret that on the trial of the Queen of England such paltry means had been resorted to in order to procure the letters of Dumont. They had heard much against a breach of confidence, but here was a person whose letters were intercepted. Yet, on looking at the letters, such as they were, their Lordships would find one expression in them which proved to the satisfaction of his mind at least, that she felt and knew at the time the nature of the intimacy between her Royal Highness and Bergami. In page 304 their Lordships would find the following passage in the letter of Dumont to her Royal Highness:—"I cannot sufficiently thank her Royal Highness and the Baron for their kindness in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable." The Baron and the Queen were there mentioned in the same sentence, and thanked in the same breath; they were associated as man and wife would be associated in a letter of thanks. Did not that speak strongly what was passing in the mind of Dumont herself at the time she was writing to her Royal Highness? But the other letter was relied on as an instance of hypocrisy. When their Lordships recollected that her letters were intercepted, that her sister was at the time in the service of her Royal Highness, they must feel that she would naturally be anxious to say nothing that could excite the suspicion of her Royal Highness. In page 361 she had stated that questions were often put to her in private conversation, but that she had always avoided stating any thing that took place in the house, which was the reason why she wrote the letter. He would say that the letter contained nothing contradictory to the evidence she had given, and that it was natural she would compliment her Royal Highness and dwell upon her various virtues, as she knew that the letter would be intercepted, and that her Royal Highness would see the contents. Their Lordships would recollect the way in which his Learned Friends had questioned Dumont in the course of a tedious cross-examination as to her having gone by the name of the Countess of Colombier; but not a single witness had been called to prove that she ever

assumed that title. Her testimony was in all material points confirmed by other witnesses, and still more strongly confirmed by the absence of witnesses to contradict her. He was not, therefore to be told that her testimony has been in any degree shaken by Martini; for if Dumont's testimony was false, why was not the Countess Oldi produced to contradict her? The Countess Oldi had not been produced for the best of reasons, because if his Learned Friends had ventured to call her, she would have confirmed the whole of the case which was intended to be made out. He trusted he had satisfied their Lordships, that the testimony of Dumont completely accorded with all the other parts of the case, and that it was not in the slightest degree discredited by the letter which she wrote to the Queen. Their Lordships would recollect that part of Dumont's evidence, which related to the pictures painted for her Royal Highness at Augusta—one of her Royal Highness in the character of a penitent Magdalen, and another of Bergami in a Turkish habit. These pictures were proved to have been afterwards in the possession of Bergami. He would ask (and it was a question which he could scarcely put to a man of the meanest understanding) how it was possible that her Royal Highness could present these pictures to her servant, living as she was with him in habits of daily intercourse? How it was possible that such things could take place except between lovers, or persons between whom an intercourse of another kind had taken place. All these facts had been most ingeniously and adroitly kept out of view by his Learned Friends; and they had laid every thing out of their consideration which happened before her Royal Highness went on board the polacre. But before he came to the material part of the scenes on board the polacre, we would advert to what took place previously to their going on board the same vessel in her voyage from Civita Vecchia to Genoa, and at that time Bergami waited behind her table as a menial servant. On her second embarkation at Messina, Bergami had been advanced in the manner which he had described, Captain Pechel, with an honourable feeling which reflected the highest credit upon that manly officer, could not submit to the degradation of dining at the same table with a man who had formerly served in a menial capacity. He had seen nothing, he had heard nothing, which could justify such an attachment, and he resolved not to tarnish the honour of a British Captain, by dining at the same table with this man after what he had seen. The conduct of her Royal Highness on this occasion, shewed what was passing in her mind, and furnished the strongest confirmation of her guilt. His Learned Friends had said, that the two English Captains, Pechel and Briggs were, in fact, their witnesses, and that accordingly they marshalled them in the front of the battle. But how did this appear from the testimony of those individuals as to the conduct of her Royal Highness upon the occasion to which he alluded? Could any man observe that conduct and draw any other than one conclusion from it? What would have been the conduct of her Royal Highness, had she been conscious of her innocence? What would have been the language of an honourable and innocent female under

appeared from a passage in Doctor Holland's travels, that regular bed chambers formed no part of a Greek or Turkish habitation ; they reposed on sofas, and neither men nor women were in the habit of taking off more than a small part of their undress. He would next call their attention to the charges of adulterous intercourse on board the polacre. In the voyage from Jaffa to Capo d'Anza, during a period of nearly two months, he believed from the 18th July to the 15th September, a tent was erected on board the polacre. It had been said that the tent was erected on deck in consequence of the noise made by, and the disagreeable smell arising from some horses which were confined below. Dr. Lushington, indeed, said that it did not deserve the name of a tent ; it was merely an awning, loosely flowing, exposed to the breezes of the heavens, and not capable of concealing any person from the observations of those on board. But how stood the evidence ? The Captain and Mate, whom the Queen's Counsel had attempted to discredit, upon the ground of their having received remuneration, when no contradiction could be offered, had sworn that the tent was fastened down, and that no person whatever could have access or opportunity of seeing what was going on within it. It would not be improper to mention here, that foreign Captains were in the habit of demanding large sums as remuneration for absenting themselves from their occupations. They were liable to great losses, and calculated with as much accuracy as possible upon the subject of inconvenience. Those persons, whose testimony was unimpeachable, had declared that even in the day time the tent was closed by the order of Schiavani. Where is Schiavani ? He had assisted Lieutenant Flynn in drawing up that memorable paper in which the gallant Lieutenant had distinguished himself in so astonishing a manner. He was now living at Brandenburgh-house. Why had he not been produced ? If he could contradict the foul and disgusting fact, that the Princess was hanging over Bergami in bed, why had he not been brought forward ? If the Queen was anxious to produce all the evidence that could be collected, why not produce Schiavini ? The Countess Oldi and Marriette had not been called, because, forsooth, their nerves were not able to support the cross-examination. But were Schiavani's nerves too delicate ? They could not rely, it seemed, upon the boldness of Schiavani, though they could depend upon that of Vassali for contradicting some important particulars in the course of the Senegaglia journey.— There were periods at which the passions of the kind to which the Queen had been subject, got the better of all reason, and no man could believe that those two persons, who were under the tent together for upwards of five weeks, had not gratified their criminal desires. Looking at all the circumstances connected with the tent scenes, was it possible for their Lordships to come to any other conclusion ? But it was said the hatchways were open, and that there was no mystery in the fact of Bergami being under the tent. By what logic did they arrive at that conclusion ? He could not understand it. But he well knew there were periods when an illicit passion overstepped all bounds, when both caution and reason

were disregarded. But forsooth all these revolting circumstances were to be explained away by the observations so often refuted and so much relied on by his Learned Friends at the opposite side of the Bar, viz. it was not convenient to sleep below. It had been said that it was necessary that some man should sleep in the tent for the purpose of protecting her Royal Highness.—Why could not a woman have answered the purpose—or why could not any other of the suite be appointed to do that service? Why had not the Countess of Oldi slept in the tent? No! Schiavani would not have answered her Royal Highness's purpose either. Why? Because he was a landsman! Why, Bergami was a landsman—liable to the same objection exactly, and nobody else would discharge the office of protecting her Royal Highness. Why, if her Royal Highness had thought it necessary to remove to the deck, had she not ordered a hammock to be slung there to keep her from the intrusion of those on board whose curiosity might have prompted them to look in upon her privacies? No, no;—nothing would do but the presence of Bergami. But then there was no crime, because, forsooth, the Princess was dressed and Bergami was clad in his green robes. But, said his Learned Friends, it was true that Hownam gave it as his belief that Bergami slept beneath the tent, but when the belief was taken, those who turned it to their support were also bound to allow the strength of his impressions as to the propriety or impropriety of such an event. His Learned Friends, however, threw out of their recollection that the evidence of Hownam only went to confirm what had been substantiated by the witnesses in support of the Bill. There was no contradiction to their testimony but in the examination of Mr. Flynn. When, however, they found that Flynn had broken down in his cross-examination, they made a diversion that was then expedient when they found that Hownam let out too much. But if the contradiction of the fact of Bergami's sleeping alone under the tent could be established, they had at Brandenburg House the Countess Oldi, Mariette, Carlino, and Hieronymus, and why were they not produced? Let Lieut. Hownam's belief be thrown in with the evidence for the Bill, and it would be found not only to confirm that evidence, but to confirm, in particular, that part of it which had been most objected to—the testimony of Majocchi and Dumont. Need he dwell longer on the transactions on board the polacre; but there was one point which, with great skill and adroitness, had been kept out of view. In all the speeches of his Learned Friends, the Fete sworn to have taken place on board the polacre, on St. Bartholomew's day, was never mentioned; but their Lordships would remember what had been proved, how, in honour of Bartolomeo Bergami, a celebration by the whole crew took place; frequent cries of “long live St. Bartholomew, long live the Princess, and long live the Chevalier.” What did all these extraordinary, but confirmatory facts prove? What but the influence of Bergami over the Princess in consequence of the illicit and disgusting connexion she had formed; it was a day of delight and festivity; and although

the Learned Counsel had expressed their anxious wish to grapple with the polacre, this point, this festival, was wholly forgotten, and the Queen and Bergami were permitted to walk together, arm in arm, on the deck, in all the energy of their passion, without the chance of being disturbed. But it was said by Mr. Hownam, that the Princess walking arm in arm with Bergami was so usual, that it made no impression on him. "Does this fact speak nothing?" said the Learned Gentleman. Why were these facts omitted? The omission was designed, because his Learned Friends knew, well that they reflected light on all other parts of the prosecution. The fact of the Princess taking a bath became uncontradicted. There were some doubts in the mind of Dumont, whether the bathing room was in the cabin or the dining room. Lieut. Flynn, it was true, stated the tub was of such a size that it could not be taken into the cabin. It was not necessary to comment on the evidence of that unfortunate Officer; but he was justified in saying that no reliance could be placed on it. It was by an accident, he would say, almost providential, that the contradictions of that witness as to the hand writing, which he had before him to refresh his memory were established. Whether Flynn thus contradicted himself wilfully or by mistake, he was not to be believed. But the question was, not where the bath was taken, but whether it was taken in the presence of Bergami; and on that point the evidence of the witnesses in support of the bill remained wholly uncontradicted. But then the *non mi ricordis* of Majocchi—answers obtained by interrogatories designedly put, to produce such answers, disqualified him from credit as a witness. Were he to try the credit of the English witnesses by that criterion, he believed in their examination he might find the same number of "I do not recollect.—I do not know." But Mr. Flynn was exhausted—he was worn out by the severity of a long cross-examination—he had been tortured by his Learned Friend the Solicitor-General; Majocchi had none of those difficulties to contend with—he was not, forsooth, tortured by his Learned Friend Mr. Brougham. Oh, no, the manner, the look of his Learned Friend was all complacency—it was most delightful (a laugh within the house). The witnesses on the other side were all immaculate and spotless—their sensibility could not bear up with a torturing cross-examination—when they faltered or prevaricated, it was mere accident, arising from mental confusion or physical fatigue; but Majocchi, who had been cross-examined for two days, who had been called again in consequence of an opportune communication from Gloucester—who was again reproduced to be questioned about one Garuzzi—and his supposed appearance at Carlton-house—for him, Majocchi, there was no apology—he was at once declared a false and perjured witness. Where then are all those witnesses of whom they heard so much? Where were Mrs. and Mr. Hughes, of Gloucester?—Where was Mr. Johnston, who was to depose to the stage coach interview? Where was Garuzzi? They had been all summoned, and why have they not been examined?—The only witness produced to contradict Majocchi was William

Carrington, that gentleman by nature, to whose contradictions and evasions he should beg the attention of their Lordships. He knew not what were his motives, but the contradictions were manifest from his answers. The learned gentleman then read the evidence of Carrington, and laid considerable stress on the part of it which related to his motives for wishing to obtain his discharge. "I had often," said Carrington, "been promised promotion." Sir John Bessaford denied that he had ever made any such promise.

Adjourned at four o'clock.

FORTY-FOURTH DAY—OCTOBER 23.

At twenty minutes past ten, Counsel were called in, when

The ATTORNEY-GENERAL thus resumed:—"My Lords—When I closed my Address to your Lordships last evening, I had brought the examination of the evidence down nearly to the long voyage undertaken by her Royal Highness, when at Jerusalem, conferred on some of her suite titles of an Order of her own instituting. My Learned Friends opposite have stated, that this forms a substantive charge in the preamble of the Bill. This, my Lords, is not the case: but it is one of those collateral and corroborating circumstances which tend to prove the substantive charge. It has been said, that the Order was instituted to reward those of her suite who accompanied her Majesty in her pilgrimage. I object not to her Royal Highness's creating an Order of Knighthood; but I deny that it was from any religious feeling. But to speak more closely as to this Order of St. Caroline. The office of Grand Master is conferred on one whom she calls Colonel Bergami, although he had never had higher rank in the Army than that of a Quarter Master. Colonel Bergami, Count Franchina, Knight of Malta and of the Holy Sepulchre, is made Grand Master, and is to hold the office for him and his heirs for ever. The diploma of Lieutenant Hownam is signed by the Princess of Wales, and by Colonel Bergami, as Grand Master, who has not omitted inserting the whole of his titles. This fact, my Lords, more than any other, proves the familiarity of the parties. Why was Bergami thus distinguished? What had he done more than the rest of her Royal Highness's suite? Oh, yes, he was her protector during the whole of the voyage!—this was the reason he was thus dignified. A circumstance occurred after the long voyage, which had not been contradicted nor attempted to be so, which, however, might have been refuted by a host of witnesses, if the fact was not true. At Terracina, the witness Galli swears that the Princess was very familiar with Bergami, that they took delicate morsels together, and that when the company retired, he saw Bergami go up to the Princess and give her a kiss. Were not this true, there were several persons belonging to her Royal Highness's suite who could have contradicted it; but the character of the witness had not been attempted to be impeached. The Learned Counsel opposite, in speaking of Garguilo and another witness, who had deposed to seeing the Princess and

Bergami sitting on a gun on deck, with their arms round each other's neck, had said, that this circumstance, if true, would prove every thing except the last act, and from which might be inferred.—I now come to what has been called the tour of Germany. On the arrival of her Royal Highness at Charnitz, a difficulty arose upon the subject of getting passports; and here I must call your Lordship's attention more particularly to the evidence. Dumont says, that upon Bergami's return from Innsbruck, he went to her Royal Highness's room; and that, upon his entrance, her Royal Highness ordered her to retire, and Bergami remained in the bed-room. Now, what did Mr. Brougham say? "That he should satisfactorily show, that within an hour and a half after the return of Bergami with the passports, her Royal Highness was on her journey to Venice, and the period between his arrival and the departure of the suite, had been occupied in making the necessary preparations for the journey. Now, what had Hownam and Vassali said to substantiate that statement? I must also mention, that Mr. Williams said, he had three witnesses to produce, with the view of proving this fact, and that no more than two were produced—the Countess of Oldi, no doubt, the other person, having been kept back, for reasons best known to the Learned Council for the Queen, and easily guessed at by every body. Now, Dumont says, that part of her Royal Highness's dress was taken off, and here of course, there was no contradiction to that witness's statement. But, I ask your Lordships, is it upon attempts to contradict trifles of this kind, that a defence against so serious a charge is to be grounded? Is this the way to prove that a servant was not with his mistress in her bed-chamber alone for hours? Now, as to the time of delay.—Was it actually an hour and a half, according to the assertion of Mr. Brougham? Why, Hownam and Vassali had both admitted that the suite did not set out till broad day-light. Does not this correspond with the evidence of Dumont? Look, too, to the answer of Vassali, when questioned upon the subject of what he had observed; he had travelled day and night, and yet he did not feel fatigued, or think it necessary to retire to bed, although he was not required to assist in making those nightly preparations. The Learned Counsel said, he had next to advert to the important evidence with respect to Charlshuhe, which was as firm, now the defence was closed, as it had been when that for the Bill had been terminated. Barbara Kress stated, that one evening at the inn she had occasion, as chamber-maid, to carry water to Bergami's bed-room, between which and her Majesty's there was a dining-room. Now the disposition of the rooms had not been attempted to be denied, and of course the House was bound to believe what had been stated on that subject. Upon entering the room, she saw Bergami in bed, and her Royal Highness sitting on the bed—

Mr. Denman.—"The evidence was, "she *had* sat on the bed."

The ATTORNEY-GENERAL said, it was ridiculous to use any verbal criticism upon the subject. It was evident that her Royal Highness was sitting on the bed when she went into the room. Their

arms were intertwined, his arm was round her neck but, upon seeing Kress, her Royal Highness let fall her arm and started up, and Kress, astonished at the circumstance, instantly left the room. Now, how was this met? By Mr. Hownam's account of the frequent visits of the Queen to the Grand Duke and the Margravine; but that witness had acknowledged that his recollection failed him as to the question, whether her Royal Highness returned home from the Grand Duke's between dinner and supper. His recollection was a general one, and left a blank upon the most material point. Indeed there was an attempt to fill up that blank, by calling Vassali, whose memory was of the most extraordinary and useful kind. This man remembered every tittle of the occurrences at Carlsruhe, but forgot every thing that took place either before or after that. Here the Learned Counsel read part of Vassali's evidence, and contended that the cross-examination of him completely overturned the examination in chief.—Neither Vassali nor Hownam had proved that it was either impossible or improbable that her Royal Highness might have returned home on some of the evenings while she was at Carlsruhe, between the time of dinner and supper. The positive testimony of Kress was not to be shaken by the loose recollections of these gentlemen, and the still looser inference from them. Holding then that the fact was as Barbara Kress swore—that the Princess and Bergami were sitting on a bed, he, with his arm round her neck—this was a proof indisputable according to Mr. Brougham's own concession, that an adulterous intercourse must have existed between them.—Barbara Kress had stated another fact—the marks she saw on the bed. He would not, however, dwell on this part of the evidence; their Lordships would weigh the force of it in their own minds.—Such, then, was the important evidence of this witness. Mr. Denman had animadverted severely on the manner in which she had given her testimony, but, in his (the Attorney-General's) opinion, most unjustly. He had never seen any testimony given with a greater air of truth. The cross-examination had conveyed many vile insinuations against the character of this woman, but, as usual, not a single witness had been produced to throw the slightest spot or stain upon her. And here again he could not help complaining of the gross calumnies which had been circulated through the public press, both against this individual, and against every one who had been produced as a witness for the prosecution. Aspersions had been cast upon her which were most false; there never was a witness who stood more unimpeached than this individual. The Learned Gentleman next adverted to the absence of Baron d'Ende, by whom, as her Majesty's Counsel pretended, so much might have been done to shake the testimony of Barbara Kress. Why this person not come over?—What was there to prevent him? He could scarcely believe that his Learned Friends were serious in their desire for his attendance. What did they want to prove by him? Could he have a better memory than Vassali? Could he testify more pointedly than that person had endeavoured to do, as to every day, hour and minute, of her Royal Highness's stay at Carlsruhe? The name of Grimm had been introduced, but most wantonly; the Queen's

Counsel had said that the Counsel for the Bill ought even to have produced this individual witness although he had no connection whatever with the proceeding. The Learned Gentleman trusted that he had now completely satisfied their Lordships on that part of the case which rested on the evidence of Barbara Kress. The witness was of a character unimpeached; the facts which she swore to were within her own knowledge; they were of such a nature too, that if false they might have been contradicted; but no attempt to contradict them had been made. The inference he would leave to every reasonable and unprejudiced mind. At Turin, a fact had occurred which his Learned Friends had thought proper to pass over unnoticed. The witness is Perollo, whose credibility was unimpeached. The Learned Gentleman here read the evidence of this witness in which he mentions having discovered Bergami in a situation that clearly indicated an adulterous intercourse.

It could not be said that Sacchi was undeserving of credit, while his testimony remained uncontradicted. His Learned Friend, Mr. Brougham, had dwelt much on Sacchi changing his name, which, he said, was in consequence of the riot at Dover, although it was found that he had changed twelve months before. But it would appear from the evidence, that he did not allude to the Dover riot when he gave the answer to the first question as to changing his name. He said he took a new name in consequence of the tumults and the danger he should incur. The fact was, he came over as Milani, and changed his name afterwards in consequence of the riot which happened at Dover. But now for the evidence itself. Sacchi states that he was a courier to her Royal Highness, and travelled in that capacity from Rome to Senegaglia. He is hardly cross-examined on that point, although he was cross-examined at great length as to his former situation, as to his change of name, and other unimportant circumstances. With regard to the journey from Rome to Senegaglia, Sacchi is left without a single question. If such questions had been put, the Counsel would then have supposed that there was some intention to contradict him; but this not being the case, no one expected to refute his evidence. His Learned Friend, in the opening of the defence, had said, that he would negative the assertion of Sacchi by a person who was in the carriage at the time. He (the Attorney-General) wished such a witness had been produced; it would have been worth ten such as Carlo Forte, unsupported by other testimony.

Mr. Denman complained that the Attorney-General did not read the whole of the answers from the minutes but garbled extracts.

The ATTORNEY-GENERAL thanked his Learned Friend for the hint, and then read the evidence relating to this subject at some length. Carlo Forte swears that he was hired at Milan, and that he went from Milan in the service of her Royal Highness. Vassali says he was not then in her service. Here then Carlo Forte was contradicted at the very outset of his evidence. Now, as to the proof that Sacchi did not travel from Rome to Senegaglia, Carlo Forte states, that Sacchi went in a caratella, and that he, Forte, accompanied her Royal

Highness as a courier. Now, as to the carriage. Carlo Forte states it was a landaulet, with curtains which drew aside. He says there were only three carriages, and that Sacchi set out before the Princess.— Now for the evidence of Hownam and Vassali. Hownam will not venture to swear that Sacchi did not travel as courier in that journey. He says, the Princess travelled in a landaulet. It was hot weather, and they travelled by night; that the Countess Oldi and Bergami travelled in the same carriage with the Princess, although it was hot weather, and they travelled by night. "You would have thought," said the Learned Gentleman, "that in hot weather it would be desirable that the carriage should have been less crowded; and that although it could not be expected that she should part with Bergami, yet her Royal Highness might have seen the Countess of Oldi, into another carriage, where there was a vacant place, since there could be no impropriety in being alone with Bergami, when they had slept five weeks together under the same tent. The Learned Gentleman inferred from this, and from the fact of the Countess of Oldi not being called, that the evidence of Sacchi was entitled to the fullest credit. The Learned Counsel begged to know why the letters of Dumont, of which so much had been said, were not produced? Why the supposed challenge from Mr. Hownam to Ompteda had not been offered to their Lordships?—But it seemed that something of a powerful nature indeed in her Royal Highness's favour, which rendered it unnecessary to attend to little circumstances of this description. Rastelli was called! Oh! most fortunate for the Queen.—Her Counsel were to produce, in that witness, a recompense for all the losses to which she had been subject in the course of this investigation. After having gone on with the wind with the English witnesses, until the evidence of Lieutenant Flynn was blown to atoms; and the admissions of Mr. Hownam, which after all were ten times more ruinous to the defence than the miserable exhibition of Flynn, had taken place, Rastelli became the subject of observation, and the Counsel for the defence went back to him with some great design.—It had been said that Rastelli's absence was an irreparable disadvantage to the Queen. In his conscience he believed it, that she had benefitted by his absence beyond all calculation. At the very moment they were sinking in their evidence, they turned about, and commenced an attack on Rastelli. Then came the account of the conspiracy; and Mr. Denman, in alluding to that subject, took the opportunity to attack Mr. Powell. With confidence he appealed to their Lordships to acquit Mr. Powell of any improper view, however convinced they were that he had committed an error in judgment. Could their Lordships, for a moment, suppose, that his object was to remove Rastelli from further examination, and that that witness had been, as was insinuated, *spirited away*? If Rastelli had been here at the time, did their Lordships suppose, that her Majesty's Counsel would have been so rash as to call him? No, no.—What had they done in regard to Sacchi?—Was not the refusal to examine that witness, after having refused to call him back, a commentary upon the conduct they meant to have adopted towards Rastelli? The absence

of that man was one of the most fortunate circumstances for the Queen that could have taken place.—A clamour was excited; and if he had been kept in this country, not one word would have been said about him. Here the Learned Counsel took the opportunity to defend the Milan Commission. The most powerful necessity existed for the enquiry, and those persons who were most admirably qualified, by their talents, their integrity, and industry; were selected for the occasion. Mr. Cook was celebrated for his legal knowledge, and his skill in detecting falsehood—Colonel Brown was a person of equally respectable character; and Mr. Powell whose character qualified him also for the situation, co-operated with those Gentlemen. It would be recollected, that Rastelli had been asked, for the purpose of shaking his testimony, whether he had not a conversation with Vassali upon the subject of his discharge from her Royal Highness's service? This Rastelli denied. Now, why, when Vassali was under examination, was he not asked a question about the conversation? Because no such thing had ever taken place. He then called the attention of their Lordships to the dance of Mahomet, which he said was one of the most indecent spectacles that ever appeared. Mr. Grenville Sharpe had been called upon by the Learned Counsel, who saw the charge was indeed a desperate one; but what had that Gentleman stated? That he had seen the dance at Calcutta! It was, to be sure, a very excellent inference to draw from the circumstance of having seen a dance at Calcutta, that it must have been the same in Italy (*a laugh*.) But what had the enlightened Sir William Gell, who was so deeply versed in all curious knowledge, said? That it was not more indecent than the Spanish Bolero! The balls at the Barona were also defended by the Counsel for her Majesty. Where had those balls been given?—At the Villa Bergami—not at the house of her Royal Highness, as it had been said, to amuse her domestics, but at the Villa of the great favourite—and who were at those balls? the worst, the very refuse of society; and amongst the rest, the flower of gentility!—(*a laugh*)—the daughter of the inn-keeper of St. Christophero.—Who had been excluded from those balls, given as they were, for the innocent amusement of the domestics?—one who was very nearly related to Bergami. If the neighbourhood and the domestics were to be entertained, and that the disposition of her Royal Highness to give happiness to all around her was so remarkable, why had not the wife of one of those domestics been present?—The wife of Bergami was in the neighbourhood—why was she excluded from those mirthful scenes? No, no; as long as a Royal Princess was to remain, so long was the unfortunate wife of Bergami to be shut out from the society of her husband.—Could the evidences of Pami be ever forgotten?—He, on being asked about the presence of a particular female at the balls, in his anxiety said she was there, but she was *not* a prostitute.—Was not this proof of the description of persons—of “the flowers of gentilefolk” who visited at the Villa Bergami?

MR. DENMAN here said, that there had been no proof that at that time the Villa was Bergami's.

THE ATTORNEY-GENERAL.—I say that Pami proves the fact as

much as it is necessary. He proves that Bergami lived there, that it was mortgaged, and then he was absent some time, but afterwards lived there again. The place was his residence, and bears his name, and can any one doubt but it was his. I now come to the Theatre at Villa d'Este: at this place it is admitted by Mr. Hownam, that her Majesty played the part of an automaton, which was wound up to any thing; that Bergami played, and that Louis Bergami played Harlequin. Was this not degrading to her Majesty, such familiarity with her menial servants? Your Lordships remember the evidence as to the playing of her Royal Highness and Bergami on a bench in the garden at the Villa d'Este; no evidence has been called to disprove this.—I believe, my Lords, that I now have gone through the case on the part of the Bill, which has been so completely supported by proofs unquestionable.

We now arrive at the evidence given for the defence of her Majesty. The first was Colonel St. Leger, who proved nothing, but they were determined to have an Englishman, if he had proved less than nothing. Then followed Lord Guildford, Lady Lindsay, and Lord Chamberlain, and they only prove, that for a short period during which they had an opportunity of seeing her Majesty, that her behaviour towards Bergami, and that of Bergami towards her, was proper and respectful. Lord Lansdowne was next called, and to prove an extraordinary fact, viz. the custom of the country in which her Majesty resided; or, as we lawyers would say, to prove the custom of gentlemen visiting ladies in a morning when in their beds. The amount of proof is this, that Lord Lansdowne had himself visited ladies in a morning before they had risen from their beds.—(laughing.)—Is that any excuse for a coxcomb, a courtier, being in the bed-room of his mistress, a Princess, at the time the *fille de chambre* was dressing and undressing her mistress. (The Attorney-General then commented upon the evidence of Sir William Gell, William Carrington, Doctor Holland, and Sicard, and wished to convince their Lordships that Gell, Holland, and Sicard, left her Majesty by the particular suggestion and wish of the Queen, that she might carry on adulterous intercourse without their observation. He then adverted to the evidence of Captain Hownam, who had sworn that he believed he had never said to Capt. Briggs that he had entreated her Majesty, with tears in his eyes, not to suffer Bergami to dine at her Majesty's table; and to the evidence of Capt. Briggs, who swore positively that Hownam did say so to him on the deck of the ship. The Attorney-General then proceeded as follows:—Why, I will ask, was not the sister of Dumont called? and the Countess of Oldi, Bergami, Louis Bergami, and others, to contradict the witness on the part of the Bill?—Because they would have proved her Majesty's guilt instead of showing her innocence. Why were not Faustina and the Countess Oldi, who had been brought to this country for the purpose of being examined, produced? Was it not strange that when a female's character was to be cleared up, there was only one female witness? that she was to be left without even a *dame d'honneur*!—Why was not William Austin produced? Was not he a competent witness? Had he not

accompanied her Royal Highness on all her journeys and voyages? Where was Hieronymus? Why, he was at Brandenburg-house; but he had not been produced. Where is Schiavini, Luigi Bergami—where was the objection to their being called?—Cameron had not been produced; or had Livingston, the blind fiddler; Carlino, who had been on board the polacre and at Aum, had not been produced. None of these material witnesses had been produced, though it had been stated that the other side were to contradict the whole of the charges. He had fairly commented upon the evidence, at least, as fairly as was in his power, and it was for their Lordships to determine whether that evidence was sufficient. He considered he had done his duty; but he was told there was another duty for an advocate to perform—a duty which must be performed though it involved his country in ruin and confusion. His Learned Friends on the other side had not confined themselves to the defence of the Quern's character; but they had launched into invective against all established authority—even their monarch was not spared; but an odious comparison was made between him and the most detested tyrant that was to be found in history, and insisted on as a parallel case. The public, the Learned Gentleman contended, had pronounced no verdict; there was, however, a part of the community who had taken the most base and insidious means to deceive the loyal and good part of the people. They have the cause of the Queen in their mouths, but the cause of revolution and anarchy in their hearts. The Learned Gentleman concluded nearly as follows: "My Lords, the honour and dignity of the crown will be best preserved by your pronouncing a verdict according to the evidence before you, and I have no doubt but that verdict will be that of Guilty, which I think, will be satisfactory to your consciences, and sooner or later to the country at large."

The Learned Gentleman concluded about a quarter to two, when the Solicitor-General immediately followed.

THE SOLICITOR-GENERAL rose at about a quarter to two o'clock, and expressed his intention not to go at all into the general evidence, but to confine himself to those points only which were not to be controverted by evidence on the other side, which were admitted by his Learned Friends, and which were proved by their own witnesses. The first of these points was the rapid advancement of Bergami; a fact which he asserted, her Majesty's counsel had entirely failed in explaining away. In the course of a few months, a man hired as a courier, becomes a Chamberlain, Knight of Malta, Sicilian Baron, and the possessor of a fine estate. An endeavour had been made to prove Bergami a decayed gentleman, who had been ruined by the French Revolution, and by paying his father's debts, but the evidence produced had altogether failed in establishing his gentility. Colonel Toulher proved, that he was in General Pino's service at three livres per day. Sicard's evidence proved neither more nor less than that he exhibited the manner of a good upper servant. Sir Wm. Gell described him as submissive and somewhat too respectful, as even after his advancement, he could seldom be persuaded to sit

down, a fact which was conclusive against his consciousness of gentility. It did not strike the Earl of Guilford, who dined twice at the same table, that his manners were superior. There was a fact still more striking—Bergami met Mr. Kepple Craven, attended by his servant, Whitcomb, on the stairs, and what is Bergami's conduct—he seizes the hand of his former fellow-servant, Whitcomb, and shakes it cordially, being at this time a Knight of Malta, a Sicilian Baron, and the Lord of an estate—was this the act of a gentleman? Much had been said of his merit and his services. There was no proof of any. He was a respectful and obedient servant, and nothing else. Not a word to show his claim to be a Chamberlain, a Knight of Malta, or Sicilian Baron; yet all this promotion which was called slow, had taken place in the course of a few months.—The Learned Counsel proceeded to show, that from the manner Bergami was engaged, the utmost of his expectation was to be retained out of livery when not wanted as a courier. The Solicitor-General then adverted to the departure of the English suite, and endeavoured to show that no cause, favorable to her Royal Highness, could be assigned for that desertion; nor was it shown that her Majesty had made the slightest endeavour to retain them. The younger branches of many noble English families would have engaged in so exalted a service with avidity; for it was utterly false that any cause existed in England to prevent them. Spies were dwelt upon, but this was an additional reason for having English attendants of respectability. But what did the Princess in lieu of this: she engages as dame d'honneur, the Countess of Oldi, a person in whom Sir W. Gell finds nothing remarkable, and Lord Guilford declares to be only not *particularly* vulgar.—The Queen it was said, could not speak Italian, the Countess of Oldi was equally ignorant of French, and the curious fact is presented of a Princess and her principal attendant, unable to understand each other. Why was so much inconvenience submitted to? the answer is obvious. Another circumstance was manifest—this lady was introduced without the family knowing, for a long time, that she was the sister of Bergami. It was long before Dumont knew it; Lieutenant Hownam and Doctor Holland were equally uninformed. Why was this woman thus clandestinely introduced, but to protect and cause an improper intercourse. The Learned Solicitor then adverted to the rapid introduction of between twelve and thirteen of the Bergami family, with the exception of his wife.—Lieut. Hownam, during a residence of three years, never saw his wife, and another witness deposed to her running away from the Barona when the Princess was expected. Those facts, taken by themselves, would not be conclusive, but connected with the whole case they were unanswerable. The Learned Gentleman adverting to the reasons assigned for having Burgami continually placed near her Royal Highness's chamber at night, said that it reminded him of that scene in the "*Trip to Calais*," in which O'Donelan endeavours to persuade Minikin to admit Sir H. Hornby into the house of Lady Constant, with whom he has an intrigue. On that occasion the argument was, "Oh! you are in danger, there are robbers abroad, you had better admit Sir Henry

Hornby to protect Lady Constant." To this Minikin replied—"Oh! God bless her soul, it is very natural; that must be the reason why she wishes for his company."—(A laugh.) In alluding to the Leviathan, the Learned Gentleman asked what danger was to be apprehended which made it necessary for Bergami to sleep near her Royal Highness, as it was proved he had done. From the evidence of Lieutenants Flynn and Hownam, it was proved, that either the one or the other stated what was not true. He had no doubt but Lieutenant Flynn was a brave man, and, out of this case, a man of great veracity; but here, perhaps, influenced by feelings of gratitude, combined with other causes, had suffered himself to be improperly led away—he had suffered himself to be influenced by the spirit of faction, which was abroad in such a way, that his testimony in this cause ought to be left entirely out of the question, as it regarded the defence. He (the Solicitor-General,) next drew their Lordships' attention to what took place on board the polacre, and he did so thus early, because his Learned Friends on the other side had laid great stress on that part of the case. In the tent erected on the deck, concerning the dimensions of which there had been some dispute, there was a sofa and a bed; upon the one her Royal Highness, and upon the other Bergami slept. This fact had been proved by Gargulo, Patarzo, and other witnesses, and there was a complete failure in the attempt to prove the contrary by the witnesses for the defence. In the absence of this proof, his Learned Friends had attacked the characters of these witnesses, but he maintained that there was nothing in the manner in which the witnesses gave their testimony, which could lead to the conclusion that they had perjured themselves. He (the Solicitor-General) next adverted to the evidence of Mr. Hownam; this gentleman had stated his belief, that Bergami had slept under the tent. While the witness was stating this fact, Mr. Brougham interrupted him, supposing that he had been misunderstood; but as soon as he found that there was no way of escaping from the difficulty, he was most ready to admit the fact, and stated that it was part of the case. Mr. Denman and Doctor Lushington had both, with great ingenuity, ability, and power, throughout contended, that it was not sufficiently proved, that Bergami had not slept under the tent. In addition to the evidence of Mr. Hownam, there was not the positive evidence, but what he liked much better, the negative evidence of the Countess Oldi. Was this an accidental omission? He believed it was impossible that four intelligent men could have agreed upon such an omission. When he heard the Countess Oldi was not to be called, he immediately declared, that it was a death blow to the case of his Learned Friends. Had he been entrusted with the care of her Majesty's case, he should have submitted, at all hazards, the Countess to examination. But Countess Oldi was not the only one who had thus been kept in the back ground—there were others, who had been sufficiently enumerated by his Learned Friend who preceded him, which rendered it unnecessary for him to repeat their names. The Solicitor-General next directed the attention of their Lordships to a fact which he conceived, to be, if possible, still

more important than any circumstance that he had yet mentioned.— He alluded to the fact which had been sworn so positively by several witnesses, of Bergami and the Princess sitting and kissing upon the gun. Both Garguilo and Paturzo had sworn positively to the fact, and on one occasion it was stated that Schiavini himself was present at the disgusting familiarity. He then adverted to the evidence of Paturzo and Garguilo, and read several passages from the minutes, relative to Bergami lying on his back while her Royal Highness was stooping over him. To this transaction Schiavini was a spectator. Schiavini was at this moment in London, and by his absence the witnesses were confirmed beyond the possibility of doubt. Was it not perfectly evident to their Lordships that the Count was intimately acquainted with the fact? It was on this account his Learned Friends were unwilling to call them as a witness to their Lordships' bar.

The doctrine laid down by the great consistorial authority on the other side was only this—that if circumstances and opportunity allowed the parties to be guilty, they House would presume that they had been so. Here ample, most extraordinary opportunities had been afforded; and, in addition, the evidence distinctly showed, that improper familiarities had taken place: and, in short, the opportunity had in no instance been neglected. Thus the other side were confuted by their own argument and admission. Another singular position had been, that the parties were never undressed; nay, Mr. Brougham had even asked one witness if the Princess had taken off a stitch of her clothes during the whole of the long voyage. Laying aside for the moment the qualifications of this "good-looking, stout-built" man, Bergami, would the House, or any tribunal, believe, that because the Queen in the morning was seen in a white gown, and Bergami in a Tunisian robe, no criminal intercourse had taken place in the night? If so, what was to become of the population? The poet had said, that even the hooped and wadded petticoat was unavailing—

"Oft have we known that seven-fold fence to fail,

"Though stiff with hoops, and arm'd with ribs of whale."

Even this sometimes would

"Give way, and bend beneath a fierce embrace."

And was it credible that the Queen's white gown had afforded a stouter resistance to the assault of Bergami?—(laughter.) The reasons assigned by the Queen's Counsel were as strange as the facts. Bergami must sleep in the tent on board the polacre to protect the Princess. Captain Flynn, nor Lieutenant Howham, would be sufficient, and Schiavini was only a landsman. But what was Bergami? A landsman, too: but, perhaps, he was stouter than the rest, and might, therefore, be of more service to her Majesty. The absurdity and extravagance of these pretences required no comment. The Attorney-General had well said that the feelings of no woman of delicacy—of no woman, would have allowed her for six weeks to cohabit with a man under a tent in this manner, and the conclusion was irresistible, that the Queen had had but one motive, viz.

to gratify her gross desires, and to feed and inflame her insatiable passion. No man who had willingly shut his eyes, could arrive at any other conclusion than that of the guilt of her Majesty. As he had said once before, Bergami had not been called—they, indeed, did not dare to subject him to the examination of the House—he was nothing but a dutiful, faithful domestic—like a faithful domestic he had accompanied his Mistress to St. Omer's; but oh, profanation! when he was most wanted, when his clear, distinct, unequivocal denial was most necessary, he was not to be found. Circumstances might perhaps be too strong to be rebutted by his positive assertion, but it was certainly most important, and not at all unprecedented, that he should be produced. As to the breakfasting at Genoa and Milan; Majocchi and Dumont had sworn that Lewis Bergami and Cameron waited upon the Princess and her paramour, and if it were untrue, either or both of these persons might have been called to the bar.—Precisely the same observation was applicable to the transaction of the chain at Venice. Fano, who had sold it to the Queen, or any of the company who had dined at the hotel when she bought it, might have been brought forward to contradict the witnesses. No explanation had been attempted as to Bergami's dining with the Princess in his courier dress, in equal terms at Bellinagona, Lugano, and the Devil's Bridge; and the House would not forget, that Hieronymus, the courier, who was from the country of the Princess, and who had been long connected with her family, was excluded upon all those and upon all other occasions. The Solicitor-General then observed upon the flat contradiction given by Captain Briggs to Lieutenant Hownam, and upon the endeavour, by Mr. Brougham, to discredit Captain Briggs afterwards, although he had before held him as an irreproachable witness in favour of the Queen. One most unfair insinuation was, that Captain Briggs had been influenced by dining with the King, when in fact, he had only, like other Officers, paid his respects to his Majesty at Portsmouth.—At this time it was nearly four o'clock, and the Solicitor-General observed, he feared he should not be able to conclude as early as he had expected.

The House then adjourned till Monday.

FORTY-FIFTH DAY.—OCTOBER 30.

THE SOLICITOR-GENERAL resumed his Address:—My Lords, it is not my intention to enter at large into the circumstances that took place during her Majesty's stay at Naples in 1814. But there are some circumstances which came out into that part of the defence, of that striking character, that requires some observation and comment from me. The first circumstance to which I shall call your Lordships' attention is the walking upon the terrace in the garden at Naples. Mr. Craven was asked about it, and he says, "I observed nothing extraordinary in Bergami's walking on the terrace with her Royal Highness, any more than Sicard, or any other person." Nothing extraordinary my Lords! Why then does he make that ex-

traordinary communication to her Majesty?—If Sicard had been with her, would he have thought it necessary to have cautioned her? No, my Lords, there was something working in his own mind as to Bergami, that induced him, from prudential motives, to give her Royal Highness that caution.—It is said, “that the terrace was overlooked by the neighbouring houses.” Why was it then necessary to caution her Majesty, I ask? Why, my Lords, is it that in this case there is that mixture of imprudence and caution which exhibits itself on all occasions of a similar nature? Mr. Craven says that he gave the caution to her Royal Highness because he thought it might be misinterpreted to the discredit of her Majesty; then can there be any doubt, my Lords, that he had not some grounds of suspicion as to Bergami, which he had not of any other servant? The conduct of her Royal Highness to this servant, must have been such as to excite suspicion in Mr. Craven’s mind, which did not exist as to any other servant. What said my Lord Landaff? I will read his evidence:—“Did you see Bergami at Naples? Yes. Did you know the names of the other servants? No. How came you to notice Bergami in particular? Because he was more remarkable than the other servants. In what way was he remarkable? He was a tall, stout, man, and remarkable in his appearance. Did you ask his name, or was he pointed out to you by any person as Bergami? I never asked his name, he was pointed out to me as Bergami.” It is clear, my Lords, that Bergami was a person who excited more particular observation in his Lordship’s mind than any other servant:—“He was pointed out to his Lordship as Bergami.” Lady Lindsay is also called to speak to the conduct of her Royal Highness at Naples.—Lady Lindsay entered into the service of her Royal Highness only twelve days before she left Naples, and during this very short period she had an opportunity of witnessing her Royal Highness’s conduct, nothing improper took place. From Lady Charlotte Lindsay’s evidence, it appears, that if her Majesty took a walk with her in the garden, Bergami was the servant in attendance. If walking in Civita Vecchia, Bergami was the courier; and let me call to your Lordships’ recollection one extraordinary circumstance, which plainly shows the familiar connexion between the Princess and the courier at this period. Lady Lindsay was asked about Bergami coming up to the carriage and saying, “Drink, Princess,” to her Royal Highness; and it appeared in evidence that the Princess gave him a bottle, containing wine, and that he drank at the mouth of it what he pleased, and returned it to her Royal Highness.

MR. DENMAN—Read the evidence, that is not stated.

SOLICITOR-GENERAL—I am requested to read the evidence. “Did Bergami return the bottle to her Royal Highness when he had drank? I cannot positively state; but I rather think he returned the bottle.” My Lords, several questions were put to Lady Lindsay, and the answer was extorted from her; and after she has said that she believes that the bottle was returned, can you have any doubt of it? Her honourable mind could not suffer her to speak an untruth, and she was compelled to admit that the bottle was returned.

to her Royal Highness by Bergami, after he had drunk at the mouth. I now refer to another part of her Ladyship's evidence. She is asked, "Did you not acknowledge to some persons that when you left her Majesty you found your mind greatly relieved? I do not remember saying so, but it is very probable that I might. Did you not say to a person, that no woman who had the least regard for her character would have remained with her Royal Highness? I do not believe I did: I have no recollection. I never saw or said any thing to the disadvantage of her Royal Highness." My Lords, she was then asked about reports, and she then admits that it was owing to degrading reports against her Majesty, that she left, together with her brother's request. She was then asked—"Have you not said, that you should have left her Royal Highness sooner than you did, if you had not wished to serve some individual by your salary?" The answer was—"I think it possible." My Lords, it is therefore clear, that Lady Lindsay had seen something she did not approve; she would have left sooner, but to serve a friend. And then I ask, looking at the whole of the evidence, how far this Lady has served the cause she was called to support? Sir W. Gell and Mr. Craven were called, and I wish your Lordships to have a proper estimation of their evidence; I wish you to give it no more weight than it deserves. At public dinners they were present, and had an opportunity of witnessing the conduct of her Royal Highness they say; but what says Lady Lindsay? she says that her Royal Highness chiefly dined in private, and Bergami waited upon her. Therefore give all the weight due to their evidence, and it little serves her Majesty. Lord Glenbervie says, that he visited her Majesty two or three times a week, and he observed nothing improper in the conduct of her Royal Highness, and Dr. Holland says, that he saw her Majesty only at dinner, for he was following his professional studies at other times. Mr. Mills is next called, he says that he visited her Majesty at the Villa Brandi and at Pesaro. He was several times at the Villa Brandi, and only once at Pesaro, and he visited her at Rome. Now, my Lords, what is the extent of all this evidence, how does it answer the charges proved in the evidence? Give it its whole weight, and what is the amount of the evidence produced? My Lords, it is not so much the evidence that is produced, that serves the defence, as it is injured by what is withheld. Why is not the best evidence called, I ask? Why was not Lady Elizabeth Forbes called, she resided all the time with her Majesty at Naples; she could have given an account of her Majesty's conduct. Why is not Lady Charlotte Cambell called? she was with her Majesty at Genoa, and followed her to Milan. She was several months with her Majesty, and certainly was an important witness, and ought to have been called. If my Learned Friends wished nothing but truth to be elicited, why were not all these witnesses called to speak to her Majesty's conduct? They say, and charge it as a matter of reproach to us, that we did not call these persons. But, say they, these persons ought to have been examined before the proceeding was commenced. Why, my Lords, do you believe that these honourable persons would have

betrayed their mistress's secrets?—Would not their lips have been sealed upon the subject?—Was there any reason for supposing that they would give any information upon the conduct of her Royal Highness?—But still, at all hazards, we ought to have called them, say my Learned Friends. Suppose they had called them, my Lords. Suppose we had called Lady C. Lindsay, should we ever have had on the minutes the important evidence she gave in cross-examination? We could not by any possibility have obtained it, for we could not have cross-examined our own witnesses. This is a triumphant answer to the charges of my Learned Friend.—The Solicitor-General then adverted to the trial of Thistlewood for High Treason, in which the evidence of a witness named Adams was taken as to a conversation in the prisoner's presence, and the prosecutors did not call other persons who were present during the conversation to corroborate his evidence, but left it to the defendant to call them, and the Chief Justice in summing up, said that the prosecutors were not bound to call the witnesses, but, on the contrary, said, "I am sorry to say that the absence of these three or four persons who were present at the conversation sworn to by Adams, and who could not have been called by the defendant to disprove what he said, makes against the prisoner at the bar." Upon the same principle it was the duty of the defendant in this case to have called the witnesses, and not the supporters of the prosecution. Mr. Hownam is called to speak to the character of her Royal Highness, and he says, that she had not been guilty of any impropriety; but what reliance shall we place upon the opinions of a gentleman, who says that he did not think it indecorous in the Queen to sit down at table with Bergami in the dress of a courier? Vassali and Oliyeri, both soldiers in the army of Buonaparte, are called to speak to the same purpose. Better had it been for my Learned Friends to have called no evidence to this point, than to call such persons as these. We have heard of the Countess Pino, of the wife of the Prefect, and of the Marchioness Sangrili, who is, I believe, in this country, and yet not one of them has been called—(the Solicitor-General here went at great length into the evidence of Majocchi and contended that the points sworn to by that witness, as to the Queen dining and breakfasting with Bergami, were confirmed. As to the fact of the secret staircase, every body knew that the expression of Majocchi was a back staircase, and thought the attempt of Lieutenant Hownam to defeat this evidence was entirely a futile one. (The Solicitor-General here entered into an argument to show that Majocchi could have had no earthly motive to deny the conversation with Carrington, if it had ever taken place, for it was highly honourable to him to have said, that he would chastise the man who had endeavoured to destroy his mistress.)

But, my Lords, let us look to the evidence of William Carrington, and when we see the contradictions given to him by Sir John Beresford, we shall find what credit is due to his testimony. (The Solicitor-General here referred to the evidence, and particularly insisted that when Carrington endeavoured to explain himself, he had done it by falsehood. The Solicitor-General then read the evidence of Sir John Beresford.) But, my Lords, there is another person who is

stated to have been present at this conversation, who is in England, and who has been at the office of Mr. Vizard, and yet this person has not been called. Francisco Sera might have been placed at the bar, if he had really been able to confirm the testimony of Carrington; but as they have not done so, I apprehend that no credit can be given to the testimony of Carrington. (Here the Solicitor-General entered into a long excuse of the *non mi ricordis* of the witness Majocchi, which he attributed to his awe of the august Assembly before which he was deposing, and desired the House to look at the other side, where they would find persons of rank and education using the words "I do not recollect." Therefore, said the Solicitor-General, if this could occur to persons of character, under the influence of an oath, Theodore Majocchi ought not to be condemned, and the same charity which was extended to those persons should also be extended to this witness. My, Lords, I beg your Lordships to consider that Majocchi has not been contradicted in any point that could not be explained by my Learned Friend the Attorney-General. (Here the Solicitor-General noticed what had been said by Dr. Lushington as to the case of Loveday v. Loveday, and read the opinion of the Judge that it was not necessary to prove the actual commission of adultery, but that it was to be proved by such inference as would strike men of reason and reflection.) Dr. Lushington has said that there is no instance of a Bill of Divorce against a female aged 45; but if we look back to the year 1815, we shall find a case of Barlow v. Barlow, where the female was 46, and the adultery had existed during a period of six years. I have stated to your Lordships that I did not intend to go into detail of the evidence of Dumont, but I shall advert to this point, which are considered by my Learned Friends to destroy her evidence.—(Here the Solicitor-General remarked upon the observation of Mr. Craven, stating, that the entertainments at Naples had ended later than usual, whereas Dumont had said that it was earlier than usual; and he asked if such a difference of opinion was to destroy her testimony. Next, as to the dress worn at the masquerade, Dumont had said, that her Royal Highness had her arms bare, and her breasts bare; and Sir Wm. Gell tells us, that her Royal Highness came forward and placed a crown on the bust of Murat; but retired so soon that it was like a flash of lightning; and Mr. Craven had said, that the Queen was there so short a time that he had little opportunity to notice the dress.) Mr. Williams stated to your Lordships that he should prove by one of those accidents which occasionally occur to detect perjury and uphold truth, that he would call a servant who had seen her Royal Highness in the small travelling bed on the second night after the Queen's arrival at Naples, but he had not done this, and I will tell you why. On the cross-examination of Sicard, it came out, that on the night of the arrival of the Queen at Naples, it was very windy and rainy, and that the windows were blown open. Thus the accident occurred on the night of the arrival at Naples and not on the following night.—(Here the Solicitor-General entered into a long argument to show how the English had deserted the Queen at Naples, and her taking into her service, those who had fought against her husband, and said

this could only be explained by referring to the dominion which Bergami had over her mind. He begged to remind the House that this could not have arisen out of her exile, because she had left England by her own choice. We have heard a great deal of the bad conduct which the Princess of Wales had received; and my Learned Friend, Mr. Denman, whom I long loved, compares the Princess of Wales with the pure Octavia; and compares her husband to the greatest tyrant of the worst period of Roman History. But Octavia had never raised a slave; she had never given cause for a breath of suspicion. (The Solicitor-General here entered into a most able and energetic argument, to show that there could be no parallel in the cases). This comparison was not that of Mr. Denman, for I find an advertisement in a public paper, called "*Nero Vindicated*." Published by whom? By Mr. Hone; and Mr. Denman makes himself the instrument of this vile attack upon the character of the Sovereign of his country. A great deal has been said with respect to the balls at the Barona. I shall not go at large into that part of the subject; but it is extraordinary that no persons of rank were at these balls except the Baron Cavaletti, and the wife of the Prefect, although the Barona was situated at the very gates of Naples. My Learned Friends have touched very lightly upon these transactions; and, at the Villa d'Este, her Royal Highness is shown to have gone out with Bergami in a carriage called a *carabanello*, and no person is called to deny this fact; and no evidence is adduced to disprove the fact of her Royal Highness having gone out with Bergami in a small canoe. The Solicitor-General here went over the ground of Galvini's evidence, as to his having found the Queen and Bergami sitting together at the Villa d'Este, and remarked, that Galvini told the transaction on the same day to the son of the factor. Why had not the Counsel for the Queen called the son of the factor to disprove this statement. Next, as to the witness Galli, the waiter at the inn in Barrasina, who saw the Queen and Bergami kissing each other. There were several persons present at dinner with her Royal Highness when the witness described great familiarity to have taken place between her and Bergami, and yet the Counsel for the Queen had not called a single person to disprove what had been sworn by Galli. There was another fact as to the busts of the Princess and Bergami, which were taken at the Villa Brandi, and nobody had been called to disprove it. (The Solicitor-General here adverted to the circumstances of the Queen and Bergami living together as man and wife at the Villa d'Este, and then proceeded to the fact sworn by Dumont at Catania, as to the child Victorine crying *Mama*, and the Countess Oldi endeavouring to pacify her; and on the following morning Dumont saw the Queen come out of the room of Bergami with the pillows in her hand upon which she usually slept, and when she saw Dumont she started.)—Mr. Brougham has stated that Marietta Brune, the sister of Dumont, would prove that her sister was not borne out by facts, but Marietta was not called, although it is evident that she was in such a situation as to be able to disprove this fact, if it had never taken place. Madame Oldi might have done the same thing, and yet my Learned Friends call upon you to dismiss these facts

from the evidence. If, my Lords, you are to decide upon evidence, you will acknowledge that never was case more fully established than this charge at Catania; and no man of reasonable mind can doubt that an adulterous intercourse took place on that occasion. (The Solicitor-General here referred to the evidence at Turin, where Bergami was seen coming out of the room of her Royal Highness in his shirt and drawers, and the bed of Bergami was not deranged. He then proceeded to the charge at Carlsruhe, and repeated the arguments of the Attorney-General, without offering any new observation, except that the Queen was present in the House of Lords when Barbara Kress gave her evidence, and she swore positively that the female whom she had seen sitting upon the bed with Bergami was her Royal Highness.) One fact in this Carlsruhe case I nearly forgot: I mean the important fact of a cloak of her Majesty being found in Bergami's bed; this cloak was given by Kress to one of her Majesty's servants; why was not the servant called to disprove it. It is complained that the Baron d'Ende has not arrived in this country. If he had, I have a right to say that he would have assisted our case, and it is a question with me if they would have called him. I shall now call your Lordships' attention to the conduct of my Learned Friends, as to the charges of this case being bottomed on a wicked conspiracy. My Learned Friends called evidence to meet the charges, they called Captains Flynn and Howham, and I suppose they intended to proceed by calling Countess Oldi, Hieronymus, Brunetti, &c. but they found their evidence would not do, and instead of proceeding with the defence. they suddenly stop, and charge a conspiracy, and it came to nothing. My Lords, my Friends complain that they had not a list of witnesses, and a copy of the charges against her Majesty. The law of England only afford these in one case, that of High Treason, and then a list of the witnesses, and a copy of the charges, are given only a few days before the trial. What have my Learned Friends been furnished with? they have had a copy of the whole evidence against her Majesty, and time to bring evidence to contradict it. I say, my Lords, that no other accused ever stood in so advantageous a situation, and she has no cause of complaint whatever. I now have arrived at that period when I must take leave of the Bill against her Majesty. This has been a long, a tedious, and a painful investigation; and owing to the courtesy and kindness of your Lordships, much of that pain has been assuaged. In return for the constant kindness of your Lordships, I should be guilty of ingratitude if I did not acknowledge your extraordinary indulgence towards myself and my colleagues, throughout a case unparalleled in the length of its inquiry, a case in which so great an anxiety in its progress, and as to its result, was never before manifested; and never came a case into a court of justice that was so important in its results as this. My Lords, every passion has been appealed to by the Advocates of the Queen; I do not complain; they have faithfully and properly and most zealously discharged their duty to the Queen, they have done all in their power, all and more than could have been required of them to support her innocence and dignity. I say that I do not complain. I am glad that such talents

have been called forth on behalf of her Majesty. It is gratifying to me that the Queen of England, standing as an accused, has been supported as she ought, with the greatest zeal, and the choicest talents of the Country—Your Lordships' sympathy, your feelings, and your passions, had been worked upon by my Learned opponents, and I am sorry to say that the worst of passions has been appealed to by her Majesty's Counsel—I mean the passion of *fear*. One of my Learned Friends has said, "If your Lordships should pass this Bill, you will commit a suicide!"—This will not deter you from doing your duty, I am sure.—Another of my Learned Friends, has said, "Pass the Bill, my Lords, at your peril." These words hung upon his lips long enough to be perfectly understood. I say, my Lords, the use of such topics could only injure the person from whom they proceeded. I know that your Lordships dare not act unjustly; but you will act according to your conscientious opinions, not regarding foolish threats or the opinions of the prejudiced and the ignorant. The same course of proceeding has been carried on out of doors as in this House; the same threats have been used to overawe and intimidate your Lordships in this proceeding. In one particular instance a most violent attack was made in her Majesty's name on this House, this important part of the Constitution; an attack was made on the Sovereign of this Country, on the Government, and on every branch of the State.—This was not done by her Majesty; I say it could not have been done by her, but by some enemy of her Majesty in the dark, for base and wicked purposes. If her Majesty had done it herself; if it was done by her concurrence and knowledge, I can only suppose that she was attempting to overthrow the Government and Constitution of the Country. But I entirely acquit her Majesty of the least participation in this wicked measure. In looking at this case, my Lords, at the whole of the evidence laid before you, if you should have the strongest suspicion and belief of her Majesty's guilt; and yet it is not proved beyond all possibility of a doubt, by the strictest legal evidence, I call upon you to adopt the words of my Learned Friend, Mr. Denman,—

"Go thy way and sin no more."

You will look dispassionately at the evidence made out for the Bill, and if you are satisfactorily and strongly convinced of the guilt of the accused, you will, I am sure, pronounce your verdict with that firmness which is consonant with your high and important station.

The Earl of Liverpool then moved that the House do adjourn until Thursday next.

FORTY-SIXTH DAY—NOVEMBER 2.

SECOND READING OF THE BILL OF PAINS AND PENALTIES.

The Lord CHANCELLOR took his seat a few minutes before 10 o'clock.

Lord GAGE moved, that the standing order of the House, relative to the method of voting should be read. This being done

Lord HOLLAND said, the regular mode of proceeding was for the names

to be called over at the table, when each peer rises and answers to his name, and declares his vote, Content or Non-Content, standing up and uncovered? the Lord Chancellor then declares, how he conceives the question has been decided, and if any Peer is dissatisfied, the House may then be divided.

The Order of the day was then moved for the second reading of the Bill of Pains and Penalties.

The Lord CHANCELLOR—"My Lords, the question now about to be discussed by your Lordships, notwithstanding all that has been said on the subject, is, whether this Bill shall or shall not be read a second time? I conceive, according to the ordinary practice of the House, this is the only point for your Lordships' consideration. Upon looking into the precedents of your Lordships' House, you may be assured, beyond all doubt, that although the preamble of the Bill be proved before the second reading, it is competent for the House to amend the preamble; and that has been done in many, very many cases. The House, if it deems it expedient, may even introduce a new preamble; but it is my opinion, that no alteration of the preamble, or the allegations, can be made unless for the purpose of mitigating them. In addressing your Lordships on this subject, I can assure you, with the utmost sincerity, that nothing whatever would induce me to trouble you, did I not feel that I could not at all avoid it, without a dereliction of my public duty. I would not have taken any part in this enquiry did not a sense of duty impel me; and I declare to God, I do it with the utmost pain and reluctance.—I say that no man can vote for this Bill unless he thinks the substantial parts of the preamble proved; and unless I think the adulterous intercourse has been proved, I cannot, consciously give my vote for it. I have stated more than once, in the course of these proceedings, that a Bill of Pains and Penalties, if properly conducted, is more favourable to the accused. I mean if it is proceeded in according to the rules of law evidence. In a Bill of Pains and Penalties, examination takes place on both sides of the question, and in both Houses, so that an error committed one day may be rectified the next. It had been made another cause of complaint, that her Majesty had not been furnished with a specification of the charges, and a list of the witnesses. How could the charges, or a list of witnesses, be more effectually furnished, than by producing them at the bar, and then postponing the defence till such period as the defendant herself chose. He admitted, as he had before, in the case of Rastelli, that great advantages are to be gained by an immediate cross-examination of witnesses; but these were more than counterbalanced by the immensity of advantages given to the defendant by such postponement of the defence. The House were also bound to keep in mind that important principle of British jurisprudence, that, in every case of accusation, that accusation was no proof of guilt; that the party may be innocent, and ought to be held to be innocent, until clearly proved to be guilty. He admitted that there might be corrupt endeavours to procure evidence, and that was another circumstance of which the accused ought doubtless to have the benefit. He had, in forming his own opinion, given all these opinions their full weight. The way in

which their Lordships should look at the question was this:—Whether, laying aside all testimony that could be suspected, and taking together the evidence which was unsuspected, on the part of the prosecution, and the testimony in answer, with the negative evidence, or want of evidence, which might have been produced—does it or does it not support the allegation of an adulterous intercourse having existed between her Majesty and Bergami? He did so put the case to himself, and it did appear to him—he was sorry to say it, but he could draw no other conclusion than that—there had been an adulterous intercourse between her Majesty and Bergami. His Lordship did not care; although the whole evidence of Majocchi and Dumont were discarded; he would only ask their Lordships to accompany him while he took a short survey of the circumstances attending her Majesty's voyage to the Holy Land. Who went on board the Polacre with her Majesty? Schiavini, Hownam, Flynn, Austin, Countess Oldi, &c. If the simple issue which their Lordships had to try was, whether her Majesty and Bergami had slept under the awning or tent, could any man have a doubt as to the result of the evidence? In the first place their Lordships had the evidence of Garguilo the captain, and Paturzo the mate of the vessel. No other observation had been made on the evidence of these persons, except that they had been paid a large sum of money as a compensation for coming here. In his opinion—that was a matter of little or no consequence. There was no compulsory process to bring them to this country; and it was well known that Foreign witnesses were never to be procured unless liberally paid. Now, supposing, the fact of sleeping under the tent to be proved by these witnesses, could their Lordships believe that if any of the persons who slept below could have proved the reverse, that they would not have been produced? Could their Lordships believe that, if Bergami had slept below during the period when it was alleged he slept under the tent with her Majesty, it would not have been incontrovertably established? The fact, however, of sleeping under the tent was one thing, and the existence of an adulterous intercourse another. In coming to a conclusion on this point, their Lordships would look to other circumstances—to the fact of the contiguity of the beds at almost every place where her Majesty adjourned—to the extraordinary circumstance of the elevation of Bergami, and all his family—and particularly to the introduction of Bergami's sister, the Countess of Oldi, as her sole lady of Honour. The Noble and Learned Lord proceeded to animadvert with acuteness on the evidence of Lieutenant Flynn and Hownam, as contrasted with the evidence of the prosecution, as to the circumstances on board the polacre. Why had not Schiavini been called? He it was who gave the orders to Garguilo and Paturzo; and if they could be contradicted, he was the man to do it. Could there be found in the evidence the slightest trace of necessity? But, supposing there had at any time existed a necessity, what was the meaning of having the tent shut up at different periods of the day, and when the weather was calm—when there was not a breeze? Where was the necessity of having the tent closed then, with the Queen and Bergami

inside? Now, let their Lordships look to those who had been called to contradict this part of the evidence, and form a fair and rational comparison. Let their Lordships look to the communication between the awning on the deck and the place—to the uncontradicted evidence of the Captain upon that point. Now, if their Lordships would look to the case at Aum, making what allowance they pleased for the necessity on board the polacre, what necessity existed for the regulation at Aum? What possibly could be the necessity for the introduction of a person into the tent, inclosed by another tent, in the latter of which Theodore Mejacchi and another servant slept at each side? There was no wind there that rendered the presence of Bergami necessary, there was no heeling, no tossing of the ship up and down, to command his attendance upon his mistress. Let their Lordships only look to the management as to the contiguity of the sleeping apartments, from the time of the arrival at Naples to the return from the long voyage, and say what the meaning of that management was. Why had not the persons who might, if contradiction could be given, have contradicted that very powerful fact? Then the promotion of Bergami! Great indeed was the difference between the promotion of a faithful servant, after a long life of service, and the sudden promotion of a man who had not distinguished himself by any. It was one of the greatest blessings of the glorious Constitution, that a man could arrive at the greatest honors by the performance of signal benefits; but here was a person who had not only been elevated himself for nothing, but whose family had been elevated through his means for services of the same value. Was there ever so rapid an elevation? Not only Bergami himself, but every one of his family, had been raised to an extraordinary height. All, with indeed one exception—his wife! Now, by combining this circumstance with the unimpeached testimony of eight or nine witnesses, as to the indigent familiarities, and adding to those the possession of time, place, and opportunity, which certainly existed, their Lordships would undoubtedly be led to a conclusion which, to him, appeared inevitable. Why had not Bergami himself been produced? There were cases in which the person charged with having been concerned was produced. Major Hook was called; but here there was an absence of a person, who was under such obligations as never man before was under. Now, taking all the witnesses together, and coupling all that passed at Aum, in the polacre, and at Carlsruhe, with what occurred at Catania, no inference could be drawn from such a chain but that an adulterous intercourse had taken place. One word more and he should have done. They stood there to protect the liberty, the character, and the lives of their fellow-subjects, and he would not hesitate to say to them, "Be just and fear not." They would do their duty, and leave the rest to the wisdom and justice of God!

Lord ERSKINE agreed with the Noble Lord on the Wool-sack, that their Lordships ought to come to the decision with temper and firmness, that they should not suffer themselves to be influenced by any extraneous causes, but that they should be just, and fear not!

He would go still farther, and say that their Lordships should be prepared to do justice at any hazard, and to adopt, as the rule of their conduct, *fiat justitia ruat cælum!* He (Lord Erskine) did not know how to discharge his duty better to their Lordships than by laying his breast open to them, and stating his opinion on those proceedings. Before the commencement of this business, and on the death of his late Majesty, he was at some distance from town, and heard with surprise, that the first step that was taken was to strike the name of her Majesty out of the Liturgy, and thus deprive her of the Prayers of the Church! And yet the Learned Lord on the Woolsack, who had just sat down, had declared, that no person should be presumed guilty before trial, and that the scales of justice should be held even! However much he might condemn such a proceeding he certainly then thought the Ministers must have strong a case against her Majesty as to render her guilt evident beyond the possibility of a doubt. When he came to the House, he found laying on their Lordships' table the informations on which this inquiry had been founded; and a determination to proceed by a Bill of Pains and Penalties, because, as was stated by a Noble Earl opposite, the crime of adultery was not treason, when committed with a foreigner beyond seas. The charges had been sent down to the House of Commons, where they refuse to inquire into them; and would any man now say a Bill of Pains and Penalties was the proper mode of Proceeding, when the House of Commons refused to proceed in the inquiry at all? The House of Commons came to a resolution, that such an inquiry was derogatory to the honour of the Crown, and injurious to the morals of the people. When this resolution had passed, the House immediately determined to address her Majesty, to accept the terms offered her of a compromise; but she, with that firmness and consciousness of innocence which she possessed, determined on putting herself on her trial in the House of Lords. What should have been the duty of Ministers, but to restore her Majesty's name to the Liturgy, and, according to the recommendation of the Noble Lord on the Woolsack, suffer no prejudice to go against her Majesty until she was proved guilty. Would it be said that depriving the Queen of the prayers of a whole people was not declaring her guilty—it was doing more—it was punishing her! What were their Lordships doing now—debating on reading the Bill a second time, only to read it a third time, and then send it down to the House of Commons that had already decided against all inquiry on the subject. He (Lord Erskine) was afraid of the consequences of the two Houses being at issue on this question. The House of Commons were the representatives of the people; and, after they had declared that there was no ground for impeachment or inquiry, but that they believed the Queen innocent, how could their Lordships send that Bill down to them and request they would inquire into what they had previously decided not to inquire? The Noble Lord contended that there was no ground for proceeding by a Bill of Pains and Penalties; since the charge against her Majesty was a high crime and misdemeanor, for which she might have been tried by constitutional means. As this had not

been the case if he believed the Queen as guilty as from the evidence he believed her innocent, he would vote against the Bill, because an unconstitutional mode of proceeding was adopted, where a constitutional one was open. I must, said the Noble Lord (Erskine) soon terminate my life; but happy shall I be if I die advocating those great constitutional principles, the vindicating of which, in early life, raised me from the rank of an humble individual. The Lord Chancellor had stated that the fact of adulterous intercourse was the only one to be considered; he denied this. The Noble Lord then proceeded to read the preamble of the Bill, and to comment on the gross indecencies with which she was charged for some years, and in various countries, and yet this sweeping accusation had dwindled down to a charge of her sleeping on deck on board a polacre, attended by her chamberlain, and this only sworn to by two witnesses, who did not even declare, that they had any suspicion of a criminal intercourse having taken place. The Noble Lord then proceeded to comment on the evidence of Dumont, which he said, was not entitled to credit, and declared, that he wished he had the Queen's case in the lower Courts before one of the Judges. If adultery had been the object of the parties, who could imagine that they would have exchanged the convenient concealment below for an open tent on deck, where they must be exposed to general observation and intrusion? No person on earth could have thought of attempting an intercourse under such circumstances. It would be observed, too, that there had been no mystery about her Majesty's conduct—no impression of that sort had been produced.

Here the Noble Lord exhibited symptoms of strong indisposition, and a pause of a minute or two took place. His Lordship then attempted to resume, but after a few words, sunk down as in a faint. He was caught in his fall by some of the Peers near him; the windows were opened, and a glass of water brought; but his Lordship continued so ill, that he was obliged to be borne out of the House by Mr. Baron Garrow and (we believe) Earl Grey.

Lord LAUDERDALE suggested that the House should adjourn for a quarter of an hour.

The house adjourned accordingly.

The Lord CHANCELLOR said that he could not allow the debate to go farther without saying a word in explanation. His Noble and Learned Friend (Lord Erskine), whose absence and the cause of it, no man more sincerely lamented, had argued as if he (the Lord Chancellor) had stated that the case on board the Polacre formed the whole case for the prosecution. He had said no such thing. All he had meant to say was, that that case alone had sufficed to determine his individual judgment. There were a great many lesser circumstances on which he had offered no opinion, but which undoubtedly might have weighed with many of their Lordships.

Lord LAUDERDALE now proceeded to address their Lordships. He had come to the question as perfectly determined to do his duty conscientiously as if he had never acted as a party-man through the whole course of his life—(Hear.) The principle by which he felt

bound to look at the case, was that laid down in the case quoted at the Bar, Loveday against Loveday. He did not look for a direct evidence of the perpetration of the act of adultery; all he asked was such evidence as would satisfy any man of plain common sense. Was there, then, such evidence? He was as decidedly as honestly convinced there was. He had never known in any case a combination of circumstances so strongly leading to the conclusion of guilt. In proceeding to comment on the evidence, he would lay entirely out of his consideration the whole mass of evidence for the prosecution, and confine himself to what was established by the evidence for the defence; for even by that evidence he conceived the fact of adultery to be demonstrated beyond the possibility of a doubt—at least in the minds of those who chose to look at the case fairly and dispassionately. In doing this, he would be able to get at the whole history of the hero of the tale, Mr. Bergami. The Noble Lord here proceeded to recite and comment on the circumstances of Bergami's elevation, as proved by the evidence for the defence. His Lordship laid particular weight on the caution which Mr. Keppel Craven had presumed to give to her Majesty, as to being seen walking with Bergami, when he was in the situation of a courier. He had often heard women reproved for walking abroad without a servant, but this was the first time he had ever heard of a lady being cautioned against being seen walking with one. Could their Lordships doubt what the peculiar reason was which operated with Mr. Craven? Could they doubt that it was because of a suspicion on his mind of that adulterous intercourse which the Bill imputed to her Majesty? If he had not had such an impression—if there had not been some such reason, he would have deserved dismissal for daring to offer counsel so unbecoming in a Chamberlain to a lady of her Majesty's rank and character. The Noble Lord next directed the attention of their Lordships to the introduction of so many persons of Bergami's family into the service of her Majesty. The appointment of the Countess Oldi to the situation of sole Lady of Honour, was most powerful evidence;—guilty secrets, between young gentlemen and ladies often led to danger, but here was a secret confined to the breasts of a Princess and her servant. He hoped he was not exaggerating, but really this fact struck him as very strong. What! a secret between a Princess and a person, who had entered her service but five months before for a job! Upon the evidence for the defence, it appeared that no sooner had all the English domestics left her Royal Highness, than she set to at playing blindman's-buff with this man's relations. To what could all this be attributed? The courier of a Princess gets his sister into the situation of Lady of Honour, and himself into a place at table and a state of companionship with his mistress. What inference could be drawn from this? The noble Lord then proceeded to comment upon the evidence of Mr. Hownam, who he said, had dexterously avoided the acknowledgment, that any entertainment had taken place on St. Bartholomew's day on board. In that evidence the grossest prevarication had been made. As to the Theatre, Hownam's recollection had been guilty of treachery. He had not recollected whether her

Royal Highness played Columbine, but he remembered that she played an Automaton, a thing that could be wound up to any thing; and she was sold as a machine! Now, could their Lordships suppose any case stronger than that of a Princess taking her Courier to her table, promoting him to such transcendent honours, and playing with him for the amusement of his family; and all this within the short space of eight months! And what service had this person rendered to her Royal Highness? One of her visitors had taken notice of his figure, but forgot every other circumstance attending him. It was yet to be learned how the circumstance of appearing with a sword drawn when there was a fear of robbers, could have entitled Bergami to such distinction.—Then there was the change in the apartments on board the Leviathan. It would be recollected that Lady Charlotte Lindsay said, that in the Clorinde her Royal Highness's female attendants slept near her; but on board the Leviathan, the most suspicious arrangement had taken place, and Captain Pechell refused to sit at the table, in consequence of the fact that this Courier, who had waited at table on a former occasion, had been dignified to a seat at it. Captain Pechell had acted by this refusal in a manner highly creditable to himself. The Noble Lord called their Lordships attention to the evidence of Lieutenant Flynn and Mr. Hownam, which proved how far those volunteer witnesses exposed themselves, and to what fidelity they were entitled.—He read that part of Mr. Hownam's evidence which stated, that the witness had not observed, whether, on St. Bartholomew's day, Bergami and the Queen had walked arm in arm on the deck—that they walked as usual, that they might have walked arm in arm, &c. This the Noble Lord called the grossest prevarication; and unless the evidence of Mr. Hownam was confirmed, he could not credit a word of it. Indeed, their Lordships were to make a choice between Flynn and Hownam upon several points, for they were in many instances quite opposed to each other. His Lordship next adverted to the necessity that a person should sleep near her Majesty on board the polacre, and commented with great severity upon the evidence of Mr. Hownam as to that subject. The witness had, he said, admitted, in one place, that no danger existed, and in another, that it had—in one place he said the crew were to be suspected, and in another that they were not. Now if there was no mystery in the tent in which her Majesty lay, there never appeared before the public two more perjured witnesses than Hownam and Flynn. The Noble Lord then animadverted on the testimony of Lieutenants Hownam and Flynn, whom he designated as two precious witnesses, and who contradicted each other. The evidence for the defence had been incomplete so far as related to the polacre; and yet Oldi, Hieronymous, Austin, Schiavini and Cameron, &c. had not been called. The fact was, that Lieutenant Hownam's evidence in favour of the intercourse on board the polacre was supported by five other witnesses. There had been little, very little done, to impeach the evidence of Majocchi and Dumont, much as it had been abused. Majocchi's evidence was more connected than that of many of the witnesses; but he had said *non mi ricordi*,

and this had been made the ground of a very unjustifiable attack. But, in a manner to impress the public mind, it was stated that he had been contradicted by a Mr. Hyatt, a Mrs. Hughes, a Mr. Hughes, a banker's clerk, and a Mr. Godfrey, with whom he travelled in a stage-coach; and yet not one of these persons had been called, which would have been the case, if they could have contradicted Majocchi. Bergami's titles were next the subject of remark; and the Noble Lord thought the whole of these circumstances weighed much in the consideration of the guilt or innocence of the Queen. The parties were a Princess, who takes a servant, purchases titles, and an estate for him, and takes the whole of his family into her service, and all this in the course of eighteen months. In the examination of the evidence, the Noble Lord would leave out all that which rested on the testimony of a single witness. On this principle he would put out of view the carriage scenes, although he thought Vassalli one of the most suspicious witnesses that ever appeared at the bar. The case of Ann was the next he would notice; and it was in the evidence of Majocchi and Dumont, that the Princess and Bergami slept under the tent; and although Hieronimus, Schiavina, Austin, and all the Knights of St. Caroline, were there, not one of them had been called to contradict their statement. A Bill of Pains and Penalties, he (Lord Lauderdale) contended, was not an unconstitutional measure, and the fair and liberal manner in which this Bill had been conducted, was a guarantee affording justice to the accused. He declared that, considering the evidence that had been brought forward, and laying his hand on his heart, he could not but vote for the present Bill; and he doubted not that the House of Commons would, after enquiry, confirm the decision.

The Earl of ROSEBERRY — Notwithstanding all he had heard, he could not reconcile to his honour and conscience as a Jurymen to give his assent to the passing of the Bill. On attentively considering the whole facts and circumstances of the case, he could not say that he was convinced of the existence of that adulterous intercourse, without a full conviction of which, as their Lordships had been well told by the Noble and Learned Lord on the Woolsack, no Lord ought to give his vote for the Bill. But he thought the House were bound to extend their views beyond the mere facts of the case. He trusted that they would not be induced by any thing that had fallen from the Noble Lord on the cross bench (Lord Lauderdale,) to exclude from their consideration the possibility of the Bill not being entertained by the other House of Parliament. He thought that they were bound to look at the whole of the probable effects and consequences of the measure. He was the last man who could wish their Lordships to act under any impression of intimidation from without; but he knew of no good that was to be gained by concealing from themselves that their character was, if he might so speak, upon trial before the country—not by the mere rabble, but by all the more valuable and sensible portions of the British community. He implored their Lordships to ponder well the effects

which the passing of the Bill might probably have, to view it not only as a question of justice, but as one of expediency.

Lord REDSDALE thought the proof was full, complete and absolute. He could not conceive how there could be a doubt on the subject in the mind of any reasonable man. He had considered the evidence attentively; he had read it over and over, and his impression was, that the case had been more fully proved than ever any case in which a contrariety of opinion existed. He (Lord Redsdale) had much legal experience in a country (Ireland) where there was a great disposition among the people to swear against each other; he knew all the difficulties of extracting truth from a mass of conflicting testimony; but he never knew a case where there was less difficulty to encounter than there was in the present. It had been proved by the very evidence brought to disprove it. The Noble Lord, after an ingenuous encomium on the evidence of Majocchi and Dumont, of both of whom, he said that he thought them entitled to credit, and gave them credit, he proceeded to consider the proceeding in a constitutional point of view. He thought it surprising that a Bill of Pains and Penalties should be objected to as an unconstitutional measure when the whole Constitution of the Country depended on one—the exclusion of the Stuarts by the Act of Settlement. All Divorce Bills were, in fact, Bills of Pains and Penalties. His Lordship illustrated his view of the case by a number of references, and having concluded exactly at four o'clock, the House adjourned.

FORTY-SEVENTH DAY.—NOVEMBER 3.

The LORD CHANCELLOR took his seat, at the usual hour.

Lord GROSVENOR rose and addressed the House. Having, he said, attended to the vast body of evidence in this case, to the speeches of Counsel at the Bar, and the eloquence displayed yesterday by Noble Lords upon the merits of the Bill, he had to declare, in the face of God and his Country, that he did not see that those charges against the Queen which had been so cruelly and maliciously accumulated, were at all substantiated. He thought it a matter of conscience—as his Lordship hoped for mercy hereafter—to utter this opinion, now that the Bill had undergone such full consideration in every point. Influenced by this conviction, he felt himself under the necessity of declaring *non-content* to the second reading of the Bill. Upon the indulgence of the House he should lay claim, while he entered into a statement of his reasons for determining to vote as he had intimated upon this occasion. Their Lordships had heard from the Counsel upon the part of the Crown most eloquent speeches. They had heard from the Noble and Learned Lord on the Woolsack, and from two other Lords, who had taken so energetic a part in favour of the Bill, very powerful effusions in support of the charges against her Majesty; and it was greatly to be regretted that the sudden indisposition of his Noble Friend (Ersine) had caused an interruption to

the powerful appeal to their Lordships which had been commenced yesterday in favour of the Queen. After all those efforts, considerable prejudice must have been raised in their Lordships' minds, and he felt alarmed at the task he was about to take, from the consideration of his own inadequacy to contend against such powerful talent. The House would remember that the Noble and Learned Lord on the Woolsack had declared, that he would hold the balance of justice equally in his hand, and the House was called upon to exercise their power with the same feeling. It had been properly observed by a Noble and Learned Lord (Erskine), that it would have been well if that principle had operated upon the minds of their Lordships on a former occasion, for if that had been the case there could now exist no cause of complaint, that her Majesty's name was removed from the Liturgy. It would also be recollected that the same Noble and Learned Lord had said, that if the Bill should pass this House, there was a question whether it was likely to pass the other House of Parliament. Against this latter position it had been stated, that it was derogatory to the dignity of their Lordships to permit that consideration to operate upon their minds. As a general principle, he certainly admitted, that the probability of the manner of reception of any measure by the other House should have no effect upon them; but when they knew that the other House had declared this measure to be derogatory to the crown and the nation, and that the Commons had not only refused to appoint a Committee to examine the contents of the Green Bag, but had eventually shoved that Bag from the table, it was impossible not to see that to persist in entertaining the Bill would cast obloquy upon their Lordships. In fact, the public opinion had been so completely ascertained to be against it, that even in a modified shape, it could not be expected to be palatable, and would be sure to be rejected with scorn and indignation.— They would look to the fact that a great number of the charges had been proved to be unfounded. And he hoped that if there remained upon their Lordships' mind a doubt of the Queen's guilt, that doubt should operate in her favour. Never, indeed, was there a question more complicated. The *gravamen* of the charges against her Majesty was, that she was guilty of adultery, not of High Treason; and still it was the general opinion that she could not be divorced—so that the actual crime which she was supposed to be guilty of was fornication! (A laugh.) Although the Noble and Learned Lord on the Woolsack, and the Noble Lord on the cross-bench (Lauderdale,) differed in some degree respecting the credit to which Dumont, Majocchi, and Sacchi were entitled, yet they took nearly the same view of the question as to the degree which they were to be discredited.— The Noble and Learned Lord had said he would not attach any importance to the evidence of any single witness if unsupported by collateral testimony. The Noble Earl had said, that although he did not believe all the evidence, yet he was satisfied of the truth of it in its most material points. Much had been said respecting the promotion of Bergami, but in no part of this inquiry had his private character been impeached. The Noble Earl then proceeded to comment

on the evidence. With respect to the evidence at Carlsruhe, his Lordship said, it had been most clearly contradicted by incontestible evidence, and although the Noble Lord gave up this part of the charge, yet he concluded by saying, that the cloak in the bed was a most suspicious circumstance. But was it not possible that some of the Grimms or the Berstetts, who were described as running about the rooms with so much alacrity the moment the Princess had quitted them—was it not possible that they might have put the cloak in the bed, in order to criminate her Royal Highness? Their Lordships need not be told what a powerful instrument the handkerchief was in the hands of Iago to ruin *Desdemona*; and were their Lordships sure there were no Iagos in this cause? The very suspicion that there might be some ought to operate in favour of the Queen. There was so much confusion and contradiction in the evidence given on this Bill, that it was difficult to come at the truth. As to Bergami, if their Lordships abstracted all notions of criminality, and all thoughts of the intercourse with which the parties had been charged; if they directed themselves of every impression which the injurious rumours had made, he did not think the elevation of Bergami at all remarkable. This individual had preserved the life of her Majesty—he had rendered her most important services, and he was a faithful servant; was it, then, any thing very remarkable, that such a servant should be advanced to the rank of chamberlain, and that afterwards he should receive other honours. It had been said that Bergami was separated from his wife; there was nothing very remarkable in this; but it appeared only to be a separation of convenience, and not one of want of affection. Another circumstance had been dwelt upon very minutely—that Bergami had gained great possession; that after the intrigue had taken place, he rose in power and pride; and that all the respect he had formerly paid to her Royal Highness was at an end; but their Lordships would find, on looking at the whole of the evidence, that Bergami not only treated the Princess with great respect, but also every person connected with her. Strange were the accusations made against the Queen; one attempt had been made to prove her criminality from the fact of Bergami coming to the carriage, while travelling, and asking for a bottle of wine, which she really gave him. He would next notice the polacre; and he would contend that it was by no means proved that Bergami slept under the tent. There was a communication from the deck with the cabin below. The only fact really proved was, that Lieutenant Hownam, on going up, found the hatchway open. Nothing was so improbable as that an adulterous intercourse could have been carried on on board this polacre, and, from all the circumstances, it is fairly to be inferred that it did not take place. When he (Earl Grosvenor) had been on board ship, he had generally found most of the passengers ill, and huddled together very disagreeably. The Noble Earl then contrasted the witnesses; such a set he had never seen assembled together as those brought in support of the Bill; nor a more respectable body than those for the Queen, who gave their evidence with that readiness and ingenuosness, which was the strongest proof of the truth of

their testimony. The only witnesses on the part of the Bill entitled to any notice were Captains Briggs and Pechell. Captain Briggs had given a strong negative testimony in favour of the Queen. He declared that he had seen no impropriety in the conduct of her Royal Highness while on board the *Meridian*, and yet their Lordships would find from Captain Briggs's evidence, that it was almost impossible an adulterous intercourse could have taken place without his knowing of it. The witness Dumont had been constantly about the person of the Queen, and came to the bar determined to do all in her power to ruin her character. Yet she had not proved one single instance of indecency or adulterous intercourse. The Counsel for the Bill often sought to obtain from her an accusation of this sort, but her answers always disappointed them. Much as she depoted, yet whenever they brought her to this point she always fell short of the mark. It was the more surprising that the witnesses for the prosecution should have disappointed their employers, considering the honors and advantages which were lavished upon them. Mademoiselle Dumont might, perchance, have done her duty well; have had her assumed title of Countess Columbiere confirmed to her; Majocchi, if rumour spoke true, had already been conferred *Chancellor of Cotton Garden*! Saechi had also been rewarded so generously as to be lifted from the situation of a valet to a valet's master; Rastali, too, if he had not had so weak a stomach, would doubtless have come in for his share of indemnity; and as to Guchi, there was every probability that he would be raised above them all—(a laugh.) The insufficiency of the evidence—the short swearing of the witnesses—was particularly remarkable in the case of Garquille and Patuzo, who had failed to swear to things which if they had happened, must have come under their observation—such as the implied change of connexion under the tent in the palace. The Noble Lord again adverted to the prejudgment of the Queen's case, by the exclusion of her Majesty's name from the Liturgy. He had heard it reported, he did not know how truly, that when the Liturgy was carried by the Archbishop of Canterbury to the King, it was the King who struck out the name of her Majesty—(hear, hear, hear); He did not pledge himself for the truth of the statement, but Mr. continued the Noble Lord, "I had been the Archbishop of Canterbury on such an occasion—(much laughter.)—I would have thrown the Liturgy in her Majesty's face, before I would have been a party to such a fraud upon the law, such an outrage on all justice and humanity. If I had been the Lord Chancellor, called upon to confirm the outrage, I would rather have trampled the seals of office under my feet than have consented to so dishonourable an act!" (The Noble Lord proceeded to say that he knew not what might be the result of the present proceedings; but he thought that there were signs, both to the natural and moral world, of great and imminent danger. Their Lordships would remember that when the Attorney-General in his opening charge uttered the foul and abominable charge against her Majesty, the evidence in support of which had so completely failed, the sun experienced an almost total eclipse; but that on the defence being

commended, that glorious luminary seemed to cast its rays with an unusual flood of splendour over their Lordships. In the moral world, clouds were collecting, charged with thunder—yes, with thunder, because if their Lordships did pass the Bill, they would disgust all the sound part of the community—they would render them discontented and then an easy prey to factious and evil disposed men. What had created all this sensation? A breath had created it and a breath could destroy it. Let their Lordships only throw out this detestable Bill; then indeed there would be rejoicing throughout the country: not in this country alone, for from our shores the note of joy would extend over to France, and from France across the Pyrenees! And why across the Pyrenees? Because beyond them all was now freedom and independence. It was only such despotic States as Austria, and Russia, and Prussia, and the minor Principalities of Germany, which would rejoice in the triumph of this prosecution; they alone would lament, and hang down their heads in sorrow at its failure; while all freeborn Englishmen—while the free of all nations, would hail the acquittal of the Queen, as they would the liberation of any great people from a state of degrading bondage. He hoped their Lordships would not be led by private interests, by prejudices or by partial affections, in giving their decision. Why did he say so? Because every morning they prayed on their knees, that their hearts might be free from all such. And why every morning? Because their hearts were by nature depraved and desperately wicked, and it was necessary to have their duty constantly sounded in their ears before they came to the determination of this fatal inquiry. His Lordship conjured the House—on his knees he would conjure them—to judge of the case of this unfortunate, this unquestionably long-oppressed and persecuted woman—this generous, magnanimous, and liberal person, who had been agitated in a manner not to be described by the imitation of those proceedings—that they would do by her as if she were their own, as if it were a wife or dearest daughter on whom they were sitting in judgment.—(His Lordship sat down amid loud cheers).

Lord Donoughmore said, he should proceed as calmly as possible, to deliver his views as clearly as he could, of this great question, and to state the grounds upon which he should give his vote. He should in considering the question, shut out from his view the testimony of Majocchi and of that woman Dumont. He should consider the evidence of Sacehi as if no such thing had ever been given; and Cuchi and Barbara Kress should also be excluded from his notice, determined, as he was, to calculate upon evidence that was liable to no objection whatever. This he had resolved to do, although the Counsel on one side declared that those witnesses were the very best possible witnesses; an assertion which met with the professional contradiction that might have been expected from the Counsel upon the opposite side. The Noble Lord (Donoughmore) here expressed his admiration of his Noble Friend's (Lord Lauderdale) able and lucid speech upon this question, and said that in most of the positions laid down in that speech he fully agreed. The favourite

of the Illustrious Accused had been, indeed highly honoured. Titles had been procured for him; and he was in the enjoyment of an *aristocratie*. There were some little intermediate things which were deserving of notice; some little familiarities, which would be, indeed, undeserving of notice, if not coupled with some fact of irresistible force. The taking of the chain from the Queen's neck, and placing it on Bergami's, and the gift of the portrait; these were things too far from being conclusive in themselves, greatly added to the suspicion of guilt when passed in juxtaposition to the more formidable proofs of guilt. Now, if two persons, a male and a female, of whom no suspicion had been previously entertained; had happened to sleep under the same tent, owing to circumstances of an extraordinary kind, he should, indeed, be extremely sorry to say, that he entertained a worse opinion of the character of the female than he had before entertained; but, when he considered that all the former evidences of a criminal intercourse were to be put in addition to the fact which had been proved beyond all doubt—that Bergami and her Royal Highness had, for five weeks, slept under the same awning, day and night, it was impossible to draw any inference but that of guilt. He could not see how it was possible to pronounce any other verdict, after proof of constant cohabitation for five weeks under the same awning—(hear, hear.) The Noble Lord here proceeded to read the minutes of evidence of the Captain and Maté of the polacre, as to the station of her Royal Highness and Bergami on the gun, on the bed under the awning, and the disgusting familiarities that took place between them. This was, his Lordship said, a complete answer to the question which had been asked on the other side, whether it was possible that adultery could have been committed on board the polacre? Why, the polacre was a place of security for transactions of this kind. Her Royal Highness had hired the vessel, and all on board were her servants; and she had travelled from place to place, not so much from the desire to behold other countries, and to contemplate the revolutions which had taken place in the nations of antiquity, as to derive gratification from another source. He wished he could have come to a contrary decision; but in his conscience he could not. He wished there had been more evidences, or less than had been produced. He wished that a selection had been made. He was a Member of the Secret Committee; he then felt there was ground for this prosecution; and now, that forty or fifty days had been spent in the enquiry, his opinion remained still unchanged. Many things had been brought forward quite irrelevant; instead of trying the accused person four or five days had been occupied in trying the Milan Commission; and yet nothing against the character and conduct of that Commission had been proved. He wished that some of the witnesses had not been brought forward. It had been said that the Public had decided this question; but he certainly did not attach much importance to that opinion, as it had been declared before the Queen's Trial began. From the moment her Majesty landed in this country, Addresses had followed each other declaring her to be perfectly innocent. Their Lordships had been told, that if they gave a ver-

dict against the Queen; it would be without effect; but, if they were to be intimidated by such a threat, they would be unworthy the seats they had held as Peers of the realm. The Noble Lord then noticed the allusions that had been made by Counsel as to a parallel case to the present, and entered into a long eulogium in praise of his present Majesty; who had immortalized his name, and the age in which he lived, by the success which had attended the period in which he had swayed the British sceptre.

Earl GRAY began by saying, that he would not have occupied the time of the House, if he had not felt that he could not discharge his duties with satisfaction to his own conscience without stating the grounds of the vote which he intended to give upon the second reading of the Bill of Pains and Penalties. His Lordship then continued in the following manner:—When I look at the importance of the discussion in which we are engaged, and the great constitutional points which may be involved in our decision, I confess, my Lords, that I am distressed exceedingly, because I am fully sensible of the vast efforts required, and the confined means which I can command to strengthen the cause which it is my lot to advocate. Painful, however, as are some considerations which press upon me, and difficult as is the task which is imposed by a sacred regard to my public duty, I shall not be deterred from it by any personal or private inducements. I am here, my Lords, like the rest of your Lordships, to do my duty; and I will fearlessly perform it. My Lords, I have read the history of my own, and almost every other country, and they are full of accounts of Monarchs and Princesses raising persons from the lowest situation in life to rank, and to the highest situations about their persons, and merely from caprice and their own pleasure. The Queen was living in a country where society was shaken to the foundation by revolution and war, and where, in her situation, she was doubtful of every person around her, especially after the attacks made upon her by Ompteda; and can there be any wonder she should raise a person to rank on whom she could confide, so that he, by the situation which he held, was entitled to be constantly in her presence as a guard and protector. I call upon your Lordships not to allow suspicion, (for that is the extent which the evidence goes, even at the utmost stretch,) to stand in the place of proof. (His Lordship then adverted to the evidence of Majocchi, who sworn that the only way from the Princess's room to Bergami's was through his room; that he saw the Princess twice go through his room in the middle of the night, to Bergami's room; and afterwards he admitted that there was another way by a passage). My Lords, if you believe that the Queen did go through Majocchi's room on these two occasions, her guilt is clear; if you believe what is sworn to have taken place at General Pino's, her guilt is clear; if you believe what is sworn by Sacchi to have taken place at the Villa Brandi, her guilt is clear; but these facts are given up by the persons who produced the Bill. My noble Friend on the cross-bench, (Lauderdale) said that there was some contradictions in the evidence of Majocchi, Dumont, and Bastelli; yet they had sworn a great deal of truth. My

~~~~~

Lords, probably there may, but who is to decide when the important facts are proved to be utterly false? The Noble Lord says nothing at all about Sacchi's evidence; he does not think it worth while to defend it. In no case that ever yet was, or ever could be brought into a Court of Justice, where the consolidated evidence was proved to be false, would the Court ever allow the case to go to judgment on a single fact of suspicion or doubt; for if the main pillars of the case were gone, especially if there was a suspicion of subornation, bribery and perjury, which have been all proved to have existed in this case, no Judge would suffer such a case to go to a Jury; and if our proceeding are to be assimilated to the practice of the Courts below, so we ought in the present, when we find that although facts had been sworn to, that lead us to suspect guilt, that clear, decisive, and complete proof has not been given. (His Lordship then referred to an opinion of Sir W. Scott, against presuming to draw an inference of guilt from evidence of mere suspicion.) My Lords, it has been said by one of my Noble Friends, that the sister of Dumont should have been called to disprove the assertion of Dumont as to her Majesty's coming out of Bergami's room with her pillow on which she generally lay. My Lords, Dumont did not swear positively that her sister Marietta was there, she said she thought so, and if Marietta had denied it, the Counsel would have said there was no contradiction, for Dumont did not state the day this scene took place, or she might have been contradicted. That would not have been enough, my Lords. Had Marietta been called for, then it would have been said, "call the Countess Oldi, she can disprove the absence of the Princess." Why, my Lords, a question would have been put to her, "Might not the Princess have left her room in the middle of the night unknown to you?" She could only have answered in the affirmative, and the Counsel for the Bill would have said, "Dumont yet stands uncontradicted." My Lords, I think the Queen's counsel acted right in not calling these witnesses, for if they had been found tripping ever so lightly, the lynx eye of my Noble Friend (Lauderdale) would have said, "these witnesses have been unable to disprove one fact; they have contradicted themselves, and are not to be credited." But that is not all; for if they had been called, for instance, the Countess Oldi, if she had been called to disprove one fact, she was open to a cross-examination upon every fact that had occurred, and every declaration made for the last six years. It was wise in her Majesty's Counsel not to call Dumont's sister, after it was proved in evidence that they had corresponded, which correspondence was carried on in double entendre. How could they depend upon the sister speaking the truth; she might have been corrupted; however, there were such circumstances of suspicion as to cause them, and I say I think they have acted wisely, not to call that girl. Counsel declared to you that they used their own discretion and judgment in not calling these witnesses; for it was her Majesty's wish that all should be fully examined. (His Lordship, in continuation, said, that he had read the Constitution as attentively as any man in the House, and although in some instances Bills of Pains and

Penalties had been brought in, when there was no plea of state necessity, yet he must say, nothing but state necessity could justify such a measure. A Bill of impeachment was the most constitutional course; he had already recorded his opinion upon that subject, and nothing that he had heard had convinced him to the contrary.) I was surprised to hear from the Noble Lord on the cross-bench (Rede- dale) that an impeachment would not have been a proper and more just mode of proceeding in this case, than by the present mode; his Lordship cannot have forgot the trial of Warren Hastings, which lasted seven years, and Parliament only exercised the power it possessed in impeachment to meet some extraordinary offence, which was dangerous to the state, not provided for by existing enactments. I am surprised that the Lord Chancellor should have said, "that the mode of proceeding by Bill of Pains and Penalties, was more advantageous to the accused than by impeachment," when in a former speech, he declared, "that if her Majesty was proceeded against by impeachment, it was doing nothing, for it would never come to a conclusion." (His Lordship continued to argue the injustice to her Majesty by bringing in the Bill of Pains and Penalties, especially if it should be passed in the Lords, and rejected in the Commons, in the frightful state of the country.) I now ask a question of these Noble Lords, who has with such ardour and spirit supported this Bill. Suppose then, my Lords, that at the conclusion of the statement, or opening of the Attorney-General; it had been stated to you, notwithstanding the glowing language of the Attorney-General, and his assertions of positive proofs of adultery at Naples between her Majesty and her courier, that the whole statement of the odious, disgusting and indecent conduct of the parties was completely false? If you had foreseen, my Lords, that the alleged facts that took place at Naples, at General Pino's, at Carlsruhe, at Charnitz, on the journey from Rome to Senegaglia, and at Catania, would be abandoned before the Bill was read a second time, would you not have abandoned a proceeding founded upon falsehood, perjury, and bribery? (The Noble Earl here took a review of the evidence of Dumont, Rastelli, Sacchi, and Majocchi, shewing the gross and palpable contradictions and perjuries which they had committed.) His Lordship then instanced numerous other contradictions of several of the witnesses, and considering them and the circumstances under which they appeared at the Bar, he considered that their testimony ought to be rejected altogether. The Attorney-General had said that it was most natural that no other witnesses should be produced but those low contemptible wretches whom their Lordships had heard examined. But was it natural that her Majesty should only be guarded before men of honour, who never would betray her, and not use any caution while in the presence of miscreants, who could be purchased by a few crowns to betray every confidence reposed in them? His Lordship next commented upon the evidence respecting the Queen's sleeping under the tent on board the polacre. He wished his Noble Friend applied the same candour to Lieutenant Hownam's testimony, as that of Majocchi. Hownam said she believed he slept under the same tent, and



said it without any reluctance. He deprecated the assertion of Lord Lauderdale, that Hownam and Flynn were the most perjured wretches living. He was satisfied to leave Flynn's evidence out of the case, because there was most certainly some inconsistency in it, not that he had said any thing intentionally false. He contended that the circumstances of the Queen's sleeping under the tent with Bergami, although he admitted that it was a suspicious one, and not very satisfactorily explained or excused; yet differed from a case where a man was traced into the room of a woman, and might be under the circumstances in which her Majesty was placed on board the *polacre*, consistent with innocence. His Lordship then enumerated the several circumstances which rendered the testimony of the Captain of the *polacre* suspicious, particularly his disappointment of receiving money from her Majesty, and the splendid compensation he received from the Government here. He ridiculed the idea as absurd and impossible that, in the face of the crew, and in the open day, they would let down the curtains, proclaiming to every one on board, the fit was upon them, and so hot that its indulgence could not be deferred until they could gratify it in secret. All the other circumstances sworn to on that occasion were equally absurd and incredible; and their Lordships had been informed that if a doubt existed on their minds of the guilt of the accused, they should pronounce her innocent; and if this fact was not sufficient to justify a conclusion of guilt, the other facts were not such as would in the slightest degree strengthen it. In alluding to the circumstances of the stains sworn to by Dumont, it shewed, he said, that Ministers' delicacy did not prevent them from bringing forward proof of that nature—what then should he conclude from the absence of such proof on board the *polacre*, when it was proved that her Majesty slept in her clothes, and that Dumont had the care of her body linen? The absence of such alone was sufficient for him to conclude her Majesty guiltless. His Lordship insisted, that her conduct had, not as alleged, brought disgrace upon the dignity of the Crown, against foreign powers; for her Majesty was received at every Court, but those from which she was excluded by the exertions of British Ministers. He disapproved of her answers to the addresses she received; but that was not a reason why they should condemn her Majesty for other conduct, of which she was not proved to be guilty. The opinion of the public should not be called, as it was by his Noble Friend, the opinion of the rabble.—All that was honest and wise in the country had formed the same opinion on this subject. The Noble Earl then spoke of the influence which he understood, had been used to pass the Bill. It had even been reported that a Judge had said—if the present case came before me in a Court of Justice, he certainly would charge a Jury to find a verdict of guilty. He then alluded to the expectations which, it was stated, were held out to those who would vote for the Bill.—As to himself, he confessed, that his prejudices and feelings were, in the beginning, all against the Queen. He did not even think it possible, if the proceedings went forward, that the evidence would not be such as to compel him to vote for the Bill. But he had been

deceived, and now conscientiously voted against it. His Lordship, concluded by saying Not-content to the question before the House.

It being a quarter past four o'clock, the Earl of Harrowby moved the adjournment of the House, which was immediately acceded to.

#### FORTY-EIGHTH DAY.—NOVEMBER 4.

At ten o'clock the Lord Chancellor arrived; The order of the day being moved.

Lord LIVERPOOL said, that he had upon two different points in the evidence, made up his mind upon the guilt of the accused. With the previous circumstances of her Majesty's conduct, he had a moral conviction that adultery was committed under the tent on board the *polacre*—(Hear, hear.) There is, my Lords, such a mass of evidence against her Majesty, I mean as to her conduct at Augusta, that in a common case the evidence would be sufficient to obtain a divorce in the Ecclesiastical Court. I do not think that any man, who will give this circumstantial evidence a fair and candid consideration, but must have a moral conviction of the guilt of the accused. His Lordship then adverted to the conduct of her Majesty in dining with Bergami, on board the *Clorinde*, when Captain Briggs refused to degrade himself by dining with him. He insisted that there must have been some improper connexion prior to that time, for if she had had any regard to her rank, dignity, and high station; if she had acted with any degree of delicacy, or duty, or propriety, she never would have refused to have dined at the Captain's table, for the purpose of dining with her late courier (Bergami). My Lords, another point of great importance, and which, if not true, might have been contradicted by the Countess of Oldi; I mean the fact sworn to by Dumont, of her Majesty passing through her room from Bergami's room with pillows under her arm, on which she usually slept. My Lords, the Countess of Oldi was promised to have been called, she has not been called, and when evidence is given that can be contradicted if untrue, I say, that such evidence is to be relied upon, if the parties are not called to contradict it. What is the reason the Countess of Oldi is not called to disprove this important fact, which, if true, is sufficient and decisive proof of adultery? I now, my Lords, call your attention to that part of the case, which is considered by some persons as the most important, I mean the fact of Bergami sleeping under the tent with the Queen at Asia, and also for thirty nights, under the tent on board the *polacre*. It has been said, that there was no mystery about Bergami sleeping under the tent; I say, my Lords, and insist upon it, that there was a great deal of mystery and concealment. In the first place, my Lords, Mr. Brougham, in opening the case of her Majesty, in one of the most brilliant, luminous, and argumentative speeches that ever was delivered, never said a word about Bergami sleeping under the tent with her Majesty; he not only did not admit it, but he never adverted

to the circumstance; and Mr. Williams, who followed him, only half admitted the fact. Then came Captain Mynn; and in his examination he said, that he did not know where Bergami slept. Was it possible that he should not know where Bergami slept? After this Captain Hownam was called; and the fact was extorted from him, Bergami slept under the tent. I say it was extorted; for he was asked several times where Bergami slept, and he said he only knew by having been informed; and then being asked where he believed Bergami slept, he admitted that he believed he slept with her Majesty under the tent! If her Majesty had not been a virtuous woman, but a female that had the least regard to delicacy, that was not gross in her feelings and disposition beyond all parallel, would she have slept for thirty nights in a tent alone with a man who had been her menial servant? What occasion was there for Bergami sleeping under the tent with her? It has been said, that he slept there for the purpose of rendering her assistance in cases of storm or accident.—A Noble Lord opposite (Donoughmore) I think answered that nonsensical pretence; he said, that Bergami, who was six feet two inches in height, was the most unfit person in the world on board so small a vessel, to assist a female in case of accident.—(Hear, hear), My Lords, there was not a scintilla, if I may use the word, of pretence for Bergami sleeping under the tent, except to gratify an unlawful passion. Can there be any doubt of it? I say, my Lords, that instead of her Majesty having only a mere regard for Bergami, it is completely proved, that she had a most insatuated and degrading passion for him; she was so excessively in love with him that her conduct was so indecent and disgraceful, that there is nothing in modern times, that I have heard or read of, that is so completely degrading. The wife of the Prince Regent of this country, lying night after night under a tent (which is the same as a room, for I can see no difference in it;) and I do say, that a woman of the least delicacy would not so have debased herself. I do not say the fact of adultery was committed under the tent; the parties might have satisfied their desires before that time; but still I think, if we are to come to a conclusion, from the common course of nature, we must believe that adultery was committed under the tent—(hear, hear.)—His Lordship then defended the evidence of Kress, who deposed to finding a cloak of her Majesty in the bed of Bergami, at Carlsruhe; and also to seeing Bergami's arm round her Majesty's neck at the inn at Carlsruhe. He said the evidence of Captain Hownam, who deposed that her Majesty was at the Grand Duke's every night, was not a contradiction of Kress's evidence. He then adverted to the evidence of the return of Bergami from Inspruck to Charnitz, of his going at two o'clock in the morning to her Majesty's room, where Dumont was sleeping, and of Dumont being sent out of the room with her bed). My Lords, I do not say that adultery was committed on this night at Charnitz, but it is a suspicious circumstance. Surely, my Lords, Dumont was quite sufficient to protect her Majesty, without Bergami being in the room; and can there be any doubt that they did not go to bed when they did not set off from that place until six

hours after the passports arrived? My Lords, I assert that her Majesty has had greater advantages than any other accused. She was allowed time to procure evidence, and I know many professional men were of opinion such an indulgence would thwart the ends of justice, because witnesses might be brought to upset any case, if time were allowed to procure evidence, after the witnesses for the prosecution had been all examined. But, my Lords, with these advantages, there are seven witnesses whose evidence is unimpeached, and whose characters are untainted; who have not been contradicted in any one fact to which they have sworn. With this body of evidence, proving acts of the most indecent familiarity between her Majesty and Bergami, can there exist any doubt in the minds of any one of your Lordships that the act of adultery was frequently committed, at the various times and opportunities which have been apparently sought for the purpose, by Bergami's bed always being contiguous to her Majesty's? His Lordship proceeded to insist upon the inference of adultery from the elevation of Bergami; and speaking of the evidence of Dumont, he said that the reason she could not swear to more than she had sworn to, was because the Queen had a custom when she went to bed of locking the door upon her chamber-maids. His Lordship concluded this part of the case by protesting that if he were in a Jury-box he would return a verdict of Guilty. He then entered into a vindication of the principle of this Bill of Pains and Penalties, and said it was nothing more in its effect upon the party than all other Divorce Bills; and he asked their Lordships, whether any of their wives, or the wives of their ancestors who had been degraded upon divorce suites, had not been degraded upon precisely the same principle as this Bill of Pains and Penalties. His Lordship then entered upon a consideration of the plea of expediency, and desired that whilst they looked to the inconveniencies of passing the Bill through a second reading, they would also look to those of not passing it.— If the Queen was guilty, and they did not pass the Bill, the effort would be a moral as well as a legal acquittal, and the effect upon the morals of the country would be terrible. If the House believed the guilt of the Queen with Bergami, they should look to the effect of such a person claiming the rights and privileges of a Queen of England.— There might be inconveniencies in going on with this Bill, but if they believed her guilty they were morally right in going on with it, and he had too much value for the feelings of the people of this country, to suppose that any of the consequences of passing the Bill, which had been threatened, were to be apprehended. Popular clamour ought not to divert them from the straight forward path, and he begged to remind the House, that the Queen ought, in the answers which she made to Addresses that had been presented to her, to have disclaimed all participations in the public discontents of the country. The Noble Earl (Grey) complained of his (Lord Liverpool's) conduct in introducing this Bill, and the expression of his sentiments as a prosecutor, but even in cases of impeachment, it would be remembered, that the members of the Government had never been deferred from voting, and he referred to a

particular case of the late Ministry, where they were the prosecutors in the impeachment. He would give his opinion as a Peer, and nothing should deter him from it. He expected that every Peer would vote to his conscience, without regard to fear or clamour, or affection; and the public, he was sure, would rely upon their integrity; and whatever the votes of the Peers might be, the country would do them justice. The Noble Earl then adverted to what had been said by Lord Grey about the presence of the Judges during the trial, and asserted that he wished them to be present, in order to check him by their presence, if he was at any time departing from the true line of conduct. His Lordship concluded very ably and impressively, by protesting the purity of his intentions, and appealing to the Searcher of all Hearts to bear testimony to his motives.

LORD ELLENBOROUGH.—Having been on the Secret Committee, and voted for the first reading of the Bill, and feeling that it would be highly indecorous and inexpedient to proceed any further, he would state his reasons for voting against the second reading. It had been said that the man, who thought the Queen guilty, could refuse to vote for the Bill. It was not so; and in reference to what had been said by a Noble Earl, "Be just and fear not," he would add, "Be just and politic." It would become them to take such steps as would mark the conduct of the Queen, and protect the morals of the country. When he voted for the first reading, he thought the proofs would be so clear, that no man could refuse to vote for the Bill, and that they would have been called upon by the public to vote against her Majesty. He could not declare the Queen innocent—he believed her guilty. Several of the most material allegations had, however, not been proved, and he would not pass a verdict of guilty upon such suspicious testimony. He could not, however, conscientiously vote for a Bill which was opposed by the public feelings of the country, although he considered that public opinion was founded in delusion; and that if it remained as it was, it would be the triumph of falsehood over truth. The Inquiry had been undertaken for the maintenance of public morals, but as in the present state of the country such an effect would not be had, he should vote against the Bill; but he thought the House ought to pass a strong vote of censure upon the conduct of her Majesty. The Queen ought to be a correct example to females, and no man who had heard the evidence would deny that the Queen of England was the last woman in the country whom he would wish his wife to associate with. The Queen was not fit to hold the public situation of Queen of England, but they could not, under the present circumstances, pass the Bill of Pains and Penalties. They might, however, by an address to the King, complain of her conduct upon the testimony of her own witnesses, the inference of which was that she had acted in a way derogatory to her character as a Queen, and to female virtue. By passing such a resolution they would preserve the morals of the country; and there was a constitutional mode of restraining the exercise of her privileges, limiting her allowance, and declaring that she was unfit to be the Queen of this Country. He thought the

House ought not to pass unnoticed the circumstance of the Queen's raising a menial to high rank, and laying by his side. It had been said, that the Queen had a right to a verdict of Guilty or Innocent. If she was innocent, she had a right to demand the verdict.—If she was guilty, it was not likely that she would enforce that verdict.—Nobody could doubt her guilt; but upon the testimony which had been offered they could not legislate. His Lordship then said that the public had waited anxiously, but patiently, for the decision of the House, under the conviction of their integrity; and that, altho' there were instances in which it was a duty to pass Bills against public opinion, yet upon this occasion he must say, that nothing was so desirable as a good understanding between Parliament and the Country. He believed that there was not one man in that House who believed, that this Bill would become a law, and therefore it would be improper that it should be read a second time. He therefore was satisfied that no further proceedings ought to be taken upon this measure—and he should vote against it. But he must declare to their Lordships, that before they separated, they ought to come to a resolution expressive of their opinion of the degrading conduct of the Queen. He should conclude by stating that he should say, Non-content upon the second reading of this Bill.

Lord ASHBURTON protested against the measure as unjust and impolitic, and contrary to the principles of the British Constitution. The Noble Lord and others, who were his Majesty's advisers, with the knowledge of the whole facts charged against her Majesty, and more than have been proved, offered her Majesty 50,000*l.* a year to remain abroad, and the only offense of the Queen was coming to this country, in which she had as much right to live as any of their Lordships, or the Monarch himself. He entered into an argument showing the absurdity of the measure, and he declared that he should vote against it. He concluded by saying:—"My Lords, I beg leave to state why I have not given a silent vote on this subject, I have but recently returned to this country, and might have been charged with giving a vote without duly considering the evidence, had I not explained my reason for voting against this Bill."

Lord ERSKINE said, that after the elegant and convincing speech of the Noble Earl (Grey), he desired to offer but a very few words more to their Lordships, for he considered it wholly unnecessary, for those who were not convinced by his Noble Friend's arguments, could not be by any reasoning which he could offer to their attention. His Lordship said the question was, "Has a long criminal intercourse taken place between her Majesty and Bergami?" He must say that the charge was still unproved. It was said that Bergami was a low, vulgar menial, by the Counsel for the Bill. This was not the fact, for he was not a low, vulgar menial, but a person of superior manners. Certainly he admitted that he was a person greatly inferior in birth and rank to the illustrious accused. His Lordship then adverted to the evidence, and read an opinion of the present Chief Justice, in a cause where there was doubtful and conflicting evidence. The Chief Justice said, "that in a case where the evidence for the

defence was as strong as the evidence for the prosecution, that it could only amount to suspicion, and that suspicion was not a legitimate foundation upon which a Jury could establish a verdict of guilty." His Lordship then analysed the evidence of Dumont, who, he said, swore that she never had an improper intercourse with any person.

Lord LAUDERDALE here interrupted the Noble Baron, and said, that no such fact was proved in evidence.

Lord ERSKINE—I will not be interrupted by the Noble Earl. I say that the witness Dumont did say what I have stated to your Lordships, and let the Noble Earl look to the evidence and satisfy himself upon the subject before he interrupts me. His Lordship then stated a case to the House, in which he was Counsel with one of the Judges upon the Woolsack, in which a witness named Underwood came into Court to swear against some parties who were accused of a conspiracy in forging a bill, he put into the witness's hands, after examining him upon the "*vox-dei*," a document in which he had written facts contrary to what he swore, and thereby impeached his testimony, and destroyed his evidence. He could have called witnesses against Underwood's evidence; but having destroyed him, and knowing they were before a British Jury, they did not think it necessary. So, in the case of Dumont, Sacchi, Rastelli, and Majocchi, the Counsel having destroyed their evidence, it was useless to call witnesses to-day to detached and isolated facts. What! my Lords, after having destroyed them, after they are dead and buried, dig up their putrid carcasses to cut them to pieces? No, my Lords, all has been done that could be required; the whole of the witnesses are discredited, are not worthy of credit, and in a Court of Justice would have been scooped out long ago. The Noble Lord said, with respect to the witnesses for the prosecution, that as some had been proved perjured, by the wisest providence, how could the House tell that the same thing did not exist throughout the whole string of the witnesses? Could the House place the same reliance upon men kept together, and confirming each other in their stories, as if they had been kept separate from each other. In any other Court but this, if the three first witnesses, to prove a case of adultery, had been confounded in their evidence, would not the Judge have interfered to prevent the farther prosecution of the business. The depositions of the witnesses ought to have been produced, to show that there was no contradiction in their evidence, and John Adam Powell ought to have been examined at the Bar, and questioned as to the manner in which the witnesses had made their depositions. It had been said that when Captain Pechell had refused to dine with Bergami on board the *Clorinde*, she ought to have remonstrated with the Government of Italy. What nonsense, said Lord Erskine, to talk of the Queen as a persecuted and insulted woman, appealing to the Government of Italy. His Lordship then referred to the conduct of the Grand Duke of Baden, for refusing to allow the Baron de Ende to come over, and said, that the circumstance of the Baron de Ende

affirming that his heart was bent to come over, was a proof that he could contradict the evidence of Barbara Kress. The whole business had been founded on subornation of perjury, and the manner in which the Queen had discharged the servants who deposed against her, proved the consciousness of her own innocence.—Could it be supposed that she would have sent them forth to the world to propagate stories against her, if she had been guilty. If the Queen had so exposed herself as the scoundrel Majocchi had sworn, how did it happen that when those servants were gone she conducted herself with as much prudence as any woman breathing. The Noble Lord then paid a very proper compliment to the King, and said that he hoped he still held a place in his affections. He said, he was ready to lay down his life for his Sovereign, but he would not desert his duty. The Noble Lord adverted to the honour of Knighthood which the King had conferred upon him, and said he thanked God he owed it to his integrity.—Speaking of the polacre, the Noble Lord said he had as strong feelings any man breathing, but he did not conceive it possible for any person given up to an adulterous intercourse, to carry it on under the tent of a polacre. All the doctrines of law were founded in presumptions of common sense. If the Queen had left her bed to go to the bed of Bergami, then there was inference of adultery, but no person swore this but Dumont, and at Naples the testimony of that person was evidently false, for would any man breathing believe that during the time the Queen was at Naples, she abandoned her small bed and laid upon the large one, on which there were no sheets—Was it reasonable to suppose that a woman would for so long a time abstain from going to bed, if she had been so completely given up to an adulterous intercourse as she was represented to have been.—Again, as to the charge at Catania, he would ask the Judges, if there was one of them who would take the evidence of Dumont against an accused person, after she had written those letters. Then, as to the evidence of Bergami being found in the carriage in the way described by Sacchi, would any Judge or Jury in the world believe such monstrous and unnatural testimony. Returning to the evidence of Dumont, would any person receive her evidence of the guilt of the Queen after the letters she had written to show her virtue and innocence. Nothing could exceed the impropriety of that Bill—and if it was passed by the House of Lords, he would appeal to the House of Commons; and they, surrounded as they would be, by the people, could not pass it, for they were the representatives of the people.—The Noble Lord here referred to the rejection of some Bill (we believe the Property Tax Bill,) by the influence of public opinion, and said the House of Lords could not conscientiously pass the Bill in defiance of the public. It was said that the Queen had committed a national wrong by the commission of adultery—but the people of every class delivered their opinion of her innocence: and, therefore, there had been no national wrong. The House of Commons, surrounded by the petitions of the people, would not pass the Bill, if the Lords should do it. (Lord Erskine then came to the evidence of the polacre, and said, that the very idea of interruption in a tent of this sort,



prevented the inference of adultery; and he would not believe that any man would seek that opportunity when he could have so much better. He would not, therefore, call this a legal evidence of adultery.) He could give no credit to Garguilo and Paturzo, the captain and mate of the Polacre, for they admitted that they were to receive 1,800 dollars a month for their evidence; and that was not all, for Garguilo stated, that he was promised 6,000 dollars by Bergami, on the return from the long voyage at Milan, which he has never been paid, and he expected that sum would be paid by the British Government. So, my Lords, they come to give evidence, not only for the 1,800 dollars which they are sure to receive, but they expect 6,000 besides. There were other circumstances which satisfied his mind that adultery was not committed under the tent; one, My Lords, is the evidence of the captain of the Polacre, he swore that he saw the Princess and Bergami sitting in dalliance upon a gun, kissing each other. My Lords, if these persons had slept during the night in each other's arms, under the tent, can you believe that they should have taken such an opportunity for exposing their conduct to the observation of a number of sailors. It is not to be credited. His Lordship then entered into a review of the alleged conduct of her Majesty at the Barona, and at Aum, and contended that there was no proof of adultery. His Lordship concluded his speech, by stating, that he, although he had bad health, should not have been satisfied had he not stated his reasons for opposing the Bill, and he could assure their Lordships, that no man was more sincere than he was, for he had expressed those sentiments which came from the bottom of his heart.—(*Hear hear.*)

LORD DE DUNSTANVILLE rose and offered a few observations upon the measure before the House, and said, the circumstance of the wife of Bergami never appearing at the Barona, though all the other relations of Bergami visited, operated greatly to influence his mind of the guilt of the accused. The fact of young Austin being for the first time removed from the Princess's room to sleep, at Naples, was another fact which was also of some weight, and influenced him greatly in his decision upon the Bill which was now pending before their Lordships. His Lordship said there were six or seven witnesses whose evidence was unimpeached, and no evidence had been brought to show the falsehood of their evidence, where, if it had been false, he conceived might have been done. After some other observations, which have, during this proceeding, been repeated times innumerable, he concluded.

LORD MANNERS said, the question for their Lordships' consideration was, whether the preamble of the Bill had been proved. His Lordship then entered into the evidence generally, beginning with the advice given to the Queen by Mr. Craven. His Lordship then proceeded to the polacre fact, and insisted that it conveyed a fair inference of the commission of adultery under the tent, for it was impossible to suppose that a female who had not devoted herself to an improper intercourse, could have slept for five weeks under the

same tent with a man, in the absence of all her female attendants. His Lordship then proceeded to a consideration of the morality of the question, and said the people were interested in the decision of their Lordships. Did they forget the bright example of their late Queen, and now that very engine was at work to subvert the Constitution, it was highly important that there should be as good an example. The Queen had disqualified herself to set such an example, and it was utterly impossible that woman could sit upon the Throne of England. His Lordship said he was bound by his duty to the country to vote for the second reading.

The Duke of NEWCASTLE said that he was satisfied that her Majesty had been guilty of adultery, and of acts the most indecent and disgusting. He thought the Bill ought to be read a second time, but that one of the High Parties ought to be restrained from marrying again. He had heard the evidence for the Bill, but not the defence; for he was kept from attending the House from domestic circumstances; but from what he had read, he felt no hesitation in voting for the second reading.

The Marquis of LANSDOWNE rose and said that he never was more surprised in his life than at hearing what had fallen from the lips of the Noble Duke (Newcastle) that last addressed their Lordships.—He was surprised that any Noble Peer sitting as a Juror, in this case, should have made such admissions as those which he had just heard; the Noble Duke having acknowledged that he was not present during the defence, yet is ready he asserts to pronounce her Majesty guilty.—It was twenty-four hours since his Noble Friend (Earl Grey) had delivered his sentiments upon this proceeding, in a speech that was as eloquent as it was convincing; and he was afraid that he should incur a risk of weakening the effects of his speech, by touching upon any of the points which he so ably handled. The Noble Earl had performed great services to his country, and he would live long to continue his able and constitutional knowledge and support to his country. He felt it, however, his duty, to offer a few observations upon the evidence. He could not dismiss from his mind all that he had heard at the Bar of that House, and if it had been unsuspecting, and had proved that which was promised, then, although he was decidedly against Bills of Pains and Penalties he should not have objected to vote for the Bill to degrade her Majesty. He had not looked for proofs of innocence, but for proofs of guilt, and could find no evidence that could be relied upon, except the fact of her Majesty sleeping under the tent with Bergami. Bill of Pains and Penalties had been brought into that House, but there was always some crime committed, as was not in this case cognizable by law, there was always a *capias delicta*, there was some legal offence committed, and in this case there was not. He had looked at the evidence, and was led to that part which was admitted to be the *gravamen* of the charge. He meant the fact of the *polacre*. A Noble Earl had said, that it was not necessary for Bergami to sleep under the tent to protect her Majesty, he (Lord Lansdowne) in answer to the Noble Earl, would say, that it was not necessary for Bergami to be there to commit adultery.

What could be more preposterous than to suppose that if the Queen of England had been so carrying on the adulterous intercourse with Bergami, in the way which was imputed to her, she should have deprived herself of those guards against detection, with which all guilty persons surrounded themselves, and remain upon the deck of a vessel, exposed to the observation of a ship's crew, and within two or three feet of the steersman? There was something to unusual in all this, that it was impossible for any man, whatever might be his prejudices, not to feel a doubt, and that doubt ought to weigh in favour of the accused. Adjourned till Monday.

## FORTY-NINTH DAY—NOVEMBER 6.

The Duke of NORTHUMBERLAND rose and said, that after having paid the most important attention to the evidence, and the manner the evidence was given, and after hearing the arguments on both sides, he was satisfied that a long adulterous intercourse had taken place between her Majesty and her servant, Bergami. Under these circumstances he, for one, objected to pay that respect to her which was due to the Queen of these realms, and the head of female society. It was with the greatest pain that he informed their Lordships that he should vote for the second reading of this Bill, which he hoped in a future stage, would be rendered less penal. It was with pain that he expressed these sentiments—but he thought it was necessary her Majesty should be degraded, as a security to the public morals of society in this country. He did not fail to remember that her Majesty was the niece and daughter-in-law of his late venerated and much-loved Sovereign, and that she arrived in this country under no very auspicious circumstance; but it was, he felt it, necessary for the protection of public morals, that her Majesty should be removed from her high station, and he should vote for the Bill.

Lord HOWARD of EFFINGHAM spoke against the Bill as neither expedient nor just. The evidence of Majocchi, Rastelli, Sacchi, and Dumont, was so contradictory that he could not give the least credit to it; and the remainder of the evidence was so suspicious that he could not believe that any Court would find a verdict upon it. Had the evidence in support of the Bill been, as was promised, above all suspicion, he might have agreed to the degradation of her Majesty; if the charges of open, disgraceful, revolting, licentious conduct, on the part of her Majesty, had been proved, he should have agreed for the punishment of her Majesty to a certain extent. As the case had wholly failed of proof, he must state, that he could not vote for the Bill.

The Earl of ENNISKILLEN said, that no one of their Lordships had paid more attention to the evidence that had been brought for and against the Bill; and he must express his decided conviction that the evidence was so false and contradictory, and so full of suspicion, that it was impossible he could find any one guilty upon such testimony. He should vote against the second reading of the Bill.

strongest judicial proof of guilt had been established, that an adulterous intercourse had been much too sufficiently proved—(*Hear*).—The Noble Lord took a minute survey of the evidence, and declared, that upon weighing the whole, he had no doubt whatever, on his part, that an adulterous intercourse had subsisted between her Majesty and Bergami. It gave him deep pain to pronounce this opinion, but his conscience dictated no other. And he would say, that if their Lordships should come to the conclusion that there had not been a sufficient legal presumption of guilt established in this case, they must then determine, that in no further instance would any tribunal in the country be justified in holding an adulterous intercourse proved except by ocular testimony—a species of proof impossible to be had in ninety-nine out of an hundred of the most undisputed cases of adultery. The expediency of the measure was undoubtedly to be taken into account, and he knew no stage of the proceeding in which it ought to be more considered than the present. He had given the subject the greatest consideration, and the result was, that he saw no other Parliamentary mode of visiting such guilt as that which had been proved, except the present Bill of Pains and Penalties. He had heard much of the popular feeling on the subject; but, amid all the mischiefs with which the State was threatened, he saw none greater than what would result from a sudden and abrupt termination of the present proceeding, instead of going through with it to a just and satisfactory conclusion.

Lord ROSALYN spoke against the measure, and commenced by stating, that after having heard the evidence from the commencement to the conclusion, with great attention, he could entertain but one opinion upon this important subject. The case had been proved on the part of the prosecution, or rather disproved, by false, or at least suspected testimony; and he asked whether their Lordships would come to a conclusion of guilt upon such evidence? Of what nature was this evidence? Of persons engaged in corrupting others, and who were of course themselves corrupted. In this case there was a most remarkable absence of circumstantial evidence, and if the facts which had been proved against her Majesty were true, it was impossible that such evidence should not have been brought forward. Instances he might enumerate in abundance of this want of testimony, but the one to which he would call their Lordships particular attention, was the want of proof that, on board the polacre, her Majesty's linen was not soiled. Barbara Kress had positively sworn, that she saw the linen stained, but what witness had been called to confirm her evidence? Not a single one, although her Majesty's servants must have had every opportunity of observing it on board the polacre, if it had actually taken place. He maintained that familiarity was not proved by unsuspected testimony; but on the contrary, it was disproved. The story of Adam and Eve was contradicted by two good and respectable witnesses. When he saw witnesses such as Reganti and Rastelli's corrupted evidence, was he not bound, acting honestly, and judging fairly, to doubt much of the truth of their statement. When he saw a great variety of the

charges against her Majesty given up, such as those of Carlsruhe and Naples—when he saw some of their Noble Lords adhering pertinaciously to facts which could not be maintained by the evidence—he could entertain but one opinion on the subject. Then with respect to the polacre, upon which the case for the prosecution rested, he was not at all satisfied with the evidence. The most that the evidence amounted to was suspicion. In the elevation of Bergami, he also admitted there was ground for some suspicion; but he could not help saying, that there had been many unjust remarks upon this point. But their Lordships were to recollect, that all these transactions proved against the Queen had taken place three years ago.—That was indeed a most important point. This information was in the hands of Government. Where then was the honour of the nation and the dignity of the Crown all this time? Why did Ministers connive at all this information, if really her Majesty had been guilty of it. He complained of the manner in which this question had been treated by some of their Lordships. It was said, that in the Committee the preamble could be altered. If the preamble was not proved to the utmost, no honest man could be justified in voting for the Bill. The indictment had not been made out, and the party accused must be acquitted—(hear).—To alter the Bill in the Committee, would be in fact fitting the evidence to the indictment, and making out a new case. Upon evidence, and evidence alone, ought the Queen to be tried. The public had already given its opinion upon the evidence, and the whole nation had declared itself in favour of the Queen. Were their Lordships then prepared to pronounce a Verdict of Guilty against almost the unanimous voice of the people? Was the opinion of the general mass of mankind to be rejected?—Then, with respect to the prosecutors in this case, would not the public look at their conduct? Would they not see that many of the Jury, (for their Lordships could be considered in no other light), had acted more like warm advocates than unbiassed Judges—(hear.) The prosecutors had raised themselves, by their own acts, into the characters of Jurors. He implored their Lordships to reflect, and before they gave their decision, to consider that their characters as honest and honourable men were at stake, and if they had no respect for public opinion, the public would have little respect for them.—upon the delicate part of recrimination he could say nothing, but was it undeserving of attention, that her Majesty had been deserted by him who should have been most anxious to protect her. And now, forsooth, their Lordships were called upon to preserve the honour of the Country, and the dignity of the Crown, and to convict this illustrious individual upon evidence most suspicious, unsupported as it was by any collateral testimony. In concluding, he called their Lordships to consider the necessary consequence of the passing a Bill of this nature. With the opinion of a whole nation in her favour, the character of her Majesty would be for ever sustained by the decision of their Lordships.

At the conclusion of this Speech loud cries of Question, Question, were heard from all parts of the House, and strangers were ordered to withdraw.

Lord HOLLAND wished to know whether it were absolutely necessary that strangers should withdraw. He thought the better way would be that each Peer should go to the table, and give his assent and dissent to the Bill; after which, if necessary, a division might take place.

The Earl of LIVERPOOL observed, that it was the duty of the Lord Chancellor, acting as Speaker of the House, to give his opinion on which side the numbers preponderated. He thought, however, it would be better in this instance to follow the same course, and to divide the House.

Lord HOLLAND attended, and the House was cleared.

Strangers were excluded from about 10 minutes past three until a quarter to four. The interval was employed in calling over the names of all the Peers present, and several who had not expected that the division would have been so early, were seen driving or riding to the House with the utmost rapidity: one or two Lords, we are informed were too late to vote. Early in the morning there were 190 Peers present, but more arrived later in the day, and among them the Archbishop of Canterbury and Lord Winchelsea.

As the name of each Peer was called over he rose in his place, with his hat off, and declared whether he was content or non-content that the Bill should be read a second time, and his name was inserted on a list accordingly; so that the usual form of a division, by one side going below the Bar, was not observed. On summing up the whole, at twenty minutes before four, the numbers appeared to be as follows:

|                                      |     |     |     |     |
|--------------------------------------|-----|-----|-----|-----|
| Contents, (for the second reading,)* | ... | ... | ... | 123 |
| Non-Contents, (against it),†         | ... | ... | ... | 95  |
| Majority,                            | ... | ... | ... | 28  |

The announcement of the numbers was received with some cheering on the Opposition side of the House.

The House then adjourned till to-morrow morning at ten o'clock.

## LIST OF THE MAJORITY AND MINORITY.

### \* FOR THE SECOND READING.

DUKES of York, Clarence, Beaufort, Rutland, Newcastle, Northumberland, Wellington, Atholl, Montrose.

MARQUESS Conyngham, Anglesea, Camden, Northampton, Exeter, Headfort, Thomond, Cornwallis, Buckingham, Lothian, Queensberry, Winchester.

EARLS Harcourt, Brooke and Warwick, Portsmouth, Pomfret, Macclesfield, Aylesford, Belcarras, Hume, Coventry, Rochfort, Abingdon, Shaftesbury, Cardigan, Winchelsea, Stamford, Bridgewater, Huntingdon, Westmoreland, Harrowby, St. Germain, Brownlow, Whitworth, Verulam, Cathcart, Mulgrave, Lonsdale, Oxford, Manvers, Rosse, Nelson, Powis, Limerick, Donoughmore, Belmore, Mayo, Longford, Mount Cashell, Kingston, Liverpool, Digby, Mount Edgcombe, Abergavenny, Aylesbury, Bathurst, Chatham, Esmouth, Lake.

VISCOUNTS Sidmouth, Melville, Curzon, Sydney, Falmouth, Hereford.

BARONS Somers, Rodney, Middleton, Napier, Colville, Gray, Saltown, Forbes, Prudhoe, Harris, Ross, Meldrum, Hill, Combermere, Hopetown, Gambier, Manners, Coles, Lauderdale, Sheffield, Redesdale, St. Helens, Northwick, Bolton,

## FIFTIETH DAY—NOVEMBER, 7.

Lord DACRE rose and said, that a Protest of her Majesty, the Queen, had been put into his hand, to lay before the House.—He had to apologise to the House for not having given an opinion upon the proceedings during the debate; but as he had previously formed an opinion upon the nature of the Bills of Pain and Penalties, for alleged moral turpitude, nothing had taken place, during the proceedings, to alter his opinion. My Lords, Her Majesty protests, in the name of England, in the face of the House, and of the Country, her innocence of the charges that her prosecutors have brought against her.

## PROTEST OF HER MAJESTY.

## CAROLINE REGINA.

*"To The Lords Spiritual and Temporal in Parliament assembled."*

"The Queen has learnt the decision of the Lords upon the Bill now before them. In the face of Parliament, of her family, and of her country, she does solemnly protest against. Those who avowed absented themselves, her prosecutors, have presumed to sit in judgment the question between the Queen and themselves. Peers have given their voices against her, who heard the evidence for the charge, and themselves during her defence. Others have come to the discussion from the Secret Committee with minds biased by a mass of slander, which her enemies have not dared to bring forward in the light.

"The Queen does not avail herself of her right to appear before the Committee; for to her the details of the measure must be a matter of indifference; and, unless the course of these unexampled proceedings should bring the Bill before the other branch of the Lo-

Bolton, Eldon, Bayning, Carrington, De Dunsterville, Broadrick, Stuart of Garlies, Stewart of Castle-Stuart, Douglas, Grenville, Suffield, Montague, Gordon.

ARCHBISHOPS, Canterbury, Tuam.

BISHOPS of London, St. Asaph, Worcester, St. David's, Ely, Chester, Peterborough, Landaff, Bristol, Cork and Ross.

## † AGAINST THE SECOND READING.

DUKES of Gloucester, Somerset, Brandon, Argyle, Leinster, Grafton, Portland, Devonshire, Bedford, Richmond, St. Alban's (absent).

MARQUISSES of Stafford and Lansdowne.

EARLS of Delaware, Ilchester, Darlington, Egremont, Fitzwilliam, Stanhope, Cowper, Dartmouth, Oxford, Roxberry, Jersey, Albemarle, Plymouth, Essex, Thanet, Denbigh, Suffolk, Pembroke, Derby, Blessington, Morley, Minto, Harwood, Grey, Gosford, Romney, Rosslyn, Caledon, Enniskillen, Farnham, Carrick, Carnarvon, Mansfield, Fortescue, Grosvenor, Hillsborough.

VISCOUNTS Grenville, Anson, Duncan, Hood, Torrington, Bolingbroke.

BARONS Ashburton, Bagot, Walsingham, Dynevor, Foley, Hawke, Durie, Holland, Grantham, King, Belhaven, Darnley, Say and Sele, Howard, Zouche, Clinton, Dacre, Audley, De Clifford, Breadalbane, Erskine, Arden, Ellenborough, Alvanley, Loftus, Fitzgibbon, Calthorp, Dawnay, Yarrowdough, Dundas, Selcraig, Mendip, Auckland, Gage, Fisherwick, Amherst, Kenyon, Sherborne, Berwick.

ARCHBISHOP of York.

gislature, she will make no reference whatever to the treatment experienced by her during the last twenty-five years.

"She now most deliberately, and, before God asserts that she is wholly innocent of the crimes laid to her charge; and she awaits, with unabated confidence, the final result of this unparalleled investigation."

The Lord CHANCELLOR then read the Protest again, and said, that it could not legally be received as the Protest of her Majesty, unless she attended to support it in person. It might be received as the Address of her Majesty, if their Lordships thought proper, as in the case of Atterbury, and others.

Lord DACRE said, that he hoped the Protest would be received without her Majesty being compelled to attend to support it in person. In her situation it could not be properly urged that she should attend in person.

The Earl of LIVERPOOL wished the Protest to be put upon the Journals, but not in the form of a Protest.

Lord DONOUGHMORE said the Protest ought to be received and placed in their Lordships' minutes. He did not think the language in the Protest was such as ought to make them leap up to justify their conduct. The same language had been used by Counsel at the bar, also on one side of the House, and unanswered by the other. He thought the paper ought to be received.

Earl GREY thought that her Majesty's Protest ought to be received.

The Lord CHANCELLOR then put the Question to the House, "That notwithstanding the exceptions to the Protest of her Majesty, the House would receive it as the representation of her Majesty's case;" it was carried *non. can.*

The Earl of LIVERPOOL moved, that the Bill be committed.

The House then resolved themselves into a Committee of the whole House.

Lord DARNLEY rose to protest against the present proceeding, as he had done against every other part of it. He could not believe that any Peer in that House could suppose that the Bill would ever pass into a law; the injustice was so flagrant towards her Majesty, that he dreaded the result.

The question was then called for, as to whether the Preamble should be postponed.

The Earl of LIVERPOOL said, the only question was this:—"Is the truth of the Preamble proved, or is it not?—He should read the Preamble through, and then state what alterations he thought necessary:—"

"An Act, entitled an Act for depriving Caroline Amelia Elizabeth, Queen of Great Britain, of and from the style and title of Queen of those Realms, and of and from the rights, prerogatives, and immunities, now belonging to her as Queen Consort.

"Whereas in the year 1814, her Majesty Caroline Amelia Elizabeth, then Princess of Wales, but now Queen of England, being at the Court of Milan, engaged in her service one Bartolomeo Bergami, or Bartholomew Pergami, a foreigner



of low situation in life, and afterwards the most unbecoming and indecent familiarities took place between her Royal Highness and the said Bartholomew; and her Royal Highness not only advanced him to a high situation in her household, but received many of his relatives into her service in inferior and other situations, and bestowed on him, the said Bartholomew, various marks of distinction and favour, and took upon herself to confer upon him the Order of Knighthood, and pretended to institute an Order of Knighthood, without the authority of your Majesty; and conducted herself, both in public and private, in various places, with indecent and offensive familiarities and freedoms towards the said Bartholomew, and carried on with him a disgraceful, licentious, and adulterous intercourse, to the great scandal of your Majesty's Royal family, and the dishonour of the Kingdom, and manifested a most scandalous, disgraceful, and vicious conduct towards the said Bartholomew. We, therefore, the Lords Spiritual and Temporal and Commons of Great Britain in Parliament assembled, humbly pray, that from and after the passing of this Act, the said Caroline Amelia Elizabeth be wholly deprived of, and from the style of Queen of these Realms, and of and from the rights, prerogatives, privileges, and immunities now belonging to her as Queen Consort, and that she shall and may be, from and after the passing of this Act, for ever displaced from, and utterly incapable of, exercising or enjoying the same, and that the said Marriage between his Majesty the King and the Queen be, and the same is hereby wholly dissolved and annulled, to all intents and purposes."

The Noble Earl said, it was completely proved the Queen had conferred great favours on Bergami, and conducted herself towards him, in public and private, with indecent and offensive familiarity and freedom, in various places and countries, which her Royal Highness had visited, leaving the word "the" before the word "various," as it stood in the preamble; and also that she carried on a licentious and adulterous intercourse with the said Bartolomeo Bergami. He wished Lord Shaftsbury to read over the preamble, and when he came to such parts as required alteration, he would stop and state it to the House. His Lordship, during the reading of the preamble, moved that the words, "obtained for him various Orders of Knighthood," be left out; and also that Bartolomeo Pergami be altered to "Bartholomeo Bergami."

Lord ERKINS said, they would leave out the charge of adulterous intercourse, as it was not proved; they were leaving out that which was true, and keeping in that which was false and unproved.

Lord ELLENBOROUGH said, that the word "she obtained for him various Orders of Knighthood," should not be struck out, for it was a fact that proved the partiality of her Majesty towards Bergami.

Lord LAUDERDALE was of the same opinion.

The question was then put, that the words in the preamble, stating, "that her Majesty conferred upon him honours of Knighthood and titles," be expunged. The motion was carried.

The next part of the preamble considered was, "her Majesty conducted herself in an indecent and offensive familiarity towards Bergami, and in other respects, in various times and places."

The Earl of LIVERPOOL said, her Majesty going to the masked ball in company with Bergami, in his courier dress, and her *filie de chambre*, Dumont, alone in a carriage, was proved in page 20. This, he considered, as indecently familiar; why did not Sir Wm. Gell go with

her Majesty? Suppose one of your Lordships wives were to go to the Theatre in her carriage, with the livery servant in the same carriage, and the chamber-maid, what would they think? would not they think it grossly indecent and improperly familiar?

An opposition Peer—who proves that her Majesty went to the ball with Bergami?

Lord LIVERPOOL—It was proved by Louisa Dumont—(hear, hear, and cheers)—and is confirmed by Dr. Holland, that her Majesty was at the theatre.

The Earl of LIVERPOOL read the evidence and found that Doctor Holland did not corroborate Dumont, and he then adverted to the evidence of her Majesty riding in a padavanello with Bergami, of his dining in a courier's dress with her, and of the theatricals at the Villa d'Este, which, he thought, considering the age of her Majesty, and her rank, was proof of an indecent and degrading familiarity.

Lord ELLENBOROUGH said, the question was, shall the words, "in other respect," be inserted or omitted. He (Lord Ellenborough) considered that the words alluded to offensive conduct with other persons; and not with Bergami. He thought the words, "and in other respects," ought to be left out; for it would be ungrammatical for the words to stand in their present position, they referred to some individual, and that individual was Bergami.

Lord LIVERPOOL had no objection to omit the words.

Lords CARNARVON and DONOUGHMORE spoke a few words on that part of the Preamble.

Lord REDESDALE said, the words ought not to be omitted, they were proved by the evidence of Dumont, (hear, hear,) and he must assert that her evidence was very strong, and confirmed in many of its parts, (the Duke of Clarence said, hear, hear, hear,) and was corroborated by Dr. Holland and Sir Wm. Gell.

Lord LAUDERDALE followed Lord REDESDALE, and contended that the words ought to be omitted, for they were unnecessary.

Lord DARLINGTON said, that the evidence of Dumont ought to be rejected altogether, as unworthy of credit.

Lord DONOUGHMORE objected to throwing the evidence of Majocchi and Dumont (as a Noble and Learned Lord had stated, overboard.—(Cheers, and cries of hear, hear, by the Duke of Clarence.)—He admitted that part of the evidence was objectionable, but because part was impeached that did not say, the whole was impeached and unworthy of credit.

The Lord CHANCELLOR stated, that he never said the evidence of Dumont and Majocchi ought to be thrown overboard.—(Hear, hear.) He thought that the whole of the evidence ought to be received, and their Lordships would decide as to what part was impeached and what part corroborated by other evidence, and worthy of credit.

The question was then put for the omission of the words, "and in other respects," and carried.

The next part of the Preamble was read, and on the Clerk reading the words "adulterous intercourse."—

Lord ELLENBOROUGH said, that he objected to pronouncing her

Majesty guilty of adultery, when she would still remain Queen of England; for it would not only be degrading the Queen, but also the King.

Lord CALTHORPE wished the words, "adulterous intercourse," to be omitted, for the same reason as Lord Ellenborough, because it would be deciding, that though she was an adulteress, she was good enough to be his wife.

Lord ERSKINE objected to the words being inserted.

The question was put, that the words "adulterous intercourse" be omitted; and it was decided that the Non-Contents had it, and therefore the words still remain as part of the preamble.

The Clerk read the next part of the preamble, and

Lord CARNARVON moved, that after the word "various," the words, "subsequent to her return she was offered, by the Government, 50,000*l.* per annum, and the homage of both Houses of Parliament, which she rejected," be inserted.

The Question was put and rejected.

The Preamble was then carried in the amended form.

The enactments of the Bill for the degradation of the Queen, and her divorce from the King, were then read. When the clerk came to the Divorce Clause—

The Archbishop of YORK said it was clear that the same advantages could not be extended to the defendant in this case as in any other. Marriage was not merely a civil contract, but a sacred and solemn ordinance of religion, and he must look to the word of God only as the guide of his conduct on this occasion.

He could not therefore consent to the Divorce Clause, but if the Bill was passed without it, they would exhibit the monstrous spectacle of a degraded Queen remaining the wife of the Sovereign. In order to prevent this, there was no other course than to oppose the Bill altogether. He had given his vote against the expediency of the Bill; and also on judicial grounds it would have been better for public morals and the interest of religion if this Bill, which had given offence to every loyal man, had never been introduced.

The Archbishop of CANTERBURY declared that divorce for adultery, *a vinculo matrimonii* was not contrary to the Law of God, or the cannon law of the land. Under the Mosaic law divorces were granted for general causes, and for special causes. Our Saviour says "if divorce takes place for any other cause than adultery, it is contrary to the law of God." This passage was, as all their Lordships knew, in St. Matthew; but it was not to be found in St. Mark, or St. Luke. It appeared, then, that in the Scripture there was authority for a divorce, and the laws of the country, as to divorce which were founded upon the Holy Scripture also, were in favour of divorce for adultery. He sincerely believed that in this case the adultery had been proved, and therefore he saw no reason for any alteration in the Bill from its present form.

The Bishop of WORCESTER said, that he could not agree to place her Majesty in a situation in which no other female in the country could be placed, and to deny her those rights which were granted to

every other female. He would not vote for the Divorce Clause, unless her Majesty was granted the same advantages as any other women, (we understood him to mean the right of recrimination.) If they were granted to her Majesty, then their Lordships would be able to decide if the husband was entitled to relief.

The Bishop of London did not agree entirely with the Right Reverend Prelate who last spoke. This case he conceived embraced an important constitutional question, for "the king could do no wrong," and, therefore recrimination was impossible to be allowed. He said, that in a religious, a constitutional, and a moral point of view, he supported the clause for divorce most decidedly.

Lord LAUDERDALE said, that the ground for voting against the Divorce Clause, by one of the Right Reverend Prelates, had been much mis-stated.—(Hear.) It was admitted, that the King could do no wrong, and yet it was said, he would be degraded by their expunging the Divorce Clause, for it would be saying, she is an adulteress, yet she is good enough to be the King's wife. He protested against such a doctrine. The Noble Lord said, that the Bill with the Divorce Clause was absolutely inconsistent and impossible. He understood the Bill to have been brought in for the purpose of preserving the morals of the people from the bad example of the Queen; but he could not agree that the King was to be allowed to do as he pleased, and to obtain a divorce which would not be granted by the laws of the country to any other person. He had heard with astonishment a support of the Divorce Clause from the Archbishop of Canterbury, and he could not be induced to vote in favour of it from the arguments of that Archbishop.

Lord DARLINGTON complained of the representation of the Archbishop, when he said that the divorce was warranted by Scripture; and still further, that there was nothing in the Holy Scriptures, which prevented their Lordships from passing that clause; but if he (Lord D.) understood the Scriptures rightly, no woman, save for fornication, could be put away by her husband, and he would ask, without fear, was she not put away by her husband, without the cause of fornication, and when he put her away did he not order her to commit adultery? How, then, could they grant him a divorce? They could neither pass the Bill with or without the Divorce Clause; with it they could not pass the Bill unless they violated the Holy Scriptures, and without it, how could the wife of the King be any other than the Queen of England. Here was a dilemma which the prosecutors could not get rid of, and therefore the sooner they got rid of this detestable measure the better.

The Archbishop of CANTERBURY rose to explain. He said, according to the Law of Moses, a man might put away his wife for the cause of adultery by Bill of Divorce, and she might marry again, but that did not weaken her moral allegiance to the husband.

The Bishop of CHESTER declared, that no circumstance whatever should ever induce him to give his support to the Divorce Clause.

The Earl of HANOVER rose to state his dissent from the Divorce Clause. It had been said, that if they kept out the Divorce Clause, they should degrade the King, but he did not think that the rejection of the Clause would be attended with any of the ill consequences which were talked of; for if he thought it would, he could not as a confidential servant of the Crown oppose it, and at the same time continue in office. He found that the greatest objection to the Bill was in consequence of the Divorce Clause, and which he did not wonder at, when a separation took place twenty-one years ago, upon which separation, if he was not mistaken, an Act of Parliament had been founded. This was said to be a State measure, and he saw no necessity for the divorce of her Majesty.

Earl FITZWILLIAM objected to the Divorce Clause, and he said it was an improper interference of the House, as neither of the parties required it. He should oppose the Divorce Clause.

The Lord GRANVILLE said, that no Peer could conscientiously, or ought to vote for the third reading of the Bill before the House, unless they were satisfied of the truth of the Preamble, and particularly of the adultery of the accused; and those that had voted for the Second Reading, voted for the truth of the Preamble, and having voted that she was guilty, were they to stop and not punish? He could not reconcile this to the usages and practices of Parliament. If their Lordships thought that the Clause for the Divorce of the Queen *vinculo matrimonii* should not form part of the present Bill on account of the long separation between the parties before the adultery was committed, he still thought that no objection could be made to some Parliamentary enactment in lieu of the Divorce Clause, by which that separation which had only taken place by simple contract between the parties should be so established, that her Majesty and the King should be completely and entirely disunited from each other.

Lord KING said, that he could not object to deliver his sentiments upon this most lamentable subject; he should not hesitate to give his opinion, both to the expediency and justice of the measure against her Majesty. He could put his hand upon his heart, and with the sincerity of a dying man, declare, that he believed the measure was not either one of expediency or common justice, but the reverse. He should vote not only against the Divorce Clause, but against the third reading of the Bill.

Lord LANSDOWN said, that the first question for the consideration of the House was, whether the Divorce Clause should stand as part of the Bill? that ought to be first decided, and he thought before the House adjourned.

Lord SHAFTESBURY, (the Chairman of the Committee) said, that the first thing to be done was, that the House should resume. They could not decide upon the propriety of the Divorce Clause forming part of the Bill unless the House resumed its sitting—it could not be done in a Committee. His Lordship then put the question, "That this House do now resume its sittings." The Noble Lord decided that the Non-contents were the most numerous, it being 4 o'clock the House adjourned.

## FIFTY-FIRST DAY.—NOVEMBER 8.

The House resolved itself into a Committee.

The Archbishop of TUAM—"My Lords, it is with the utmost pain that I offer myself to the notice of your Lordships, which I should not have done, had it not been for the very direct manner in which the Body, of which I form a part, were called upon by the Noble and Learned Lord who spoke last yesterday. My Lords, I will refer you to the 32d verse of the 5th chapter of the Gospel according to St. Matthew. My mind has long been made up to vote against the Divorce Clause from that very verse; but if I can shew that the Illustrious Lady whose conduct has been so long under consideration had been put away by her husband, if I also show from the Holy Scriptures a solemn denunciation from the law against such putting away, then shall I show sufficient ground to induce me to vote against the Divorce Clause, which would release the King from his marriage contract, and leave him at liberty to marry again. The denunciation to which I have alluded is in the second chapter of the Prophet Malachi, when, for literally turning away a wife, the face of the Lord was turned away from the people, and he regarded not their offerings. The temples resounded with the lamentations of the women, and the prophet established his charge against them as a crying sin, by reminding them of the first institution of marriage. The God of Israel hath said, "*he hateth all putting away.*" My Lords, I stand here a most unwilling judge in this cause, and I will candidly confess to your Lordships, that nothing but force and the heavy penalties which your Lordships have attached to absence, would have compelled me to attend this distressing investigation. I have been brought here by compulsion, forced from the most important duties—which no one, but myself could be called on to perform, and which have been suspended for three months, in consequence of my absence. But, however reluctantly I have come here, I have paid every attention in my power to the whole of the evidence on both sides—to the very able arguments of Counsel, and to the eloquent speeches of Noble Lords in the various views they have taken of this cause. I have attended every day, every hour, and I may almost say, every minute; and I have voted for the second reading of this Bill, because no other measure before the House, in which I could declare that a clear, satisfactory, and irresistible case had been made out of the guilt of the Queen. But as to this Divorce Clause, my Lords, I can never reconcile myself to give it my sanction; and if it goes out of this Committee as a part of the Bill, I cannot give it my further support; for I would rather have the conduct of the Queen pass unnoticed, than that a Divorce should be added to her degradation.

The Bishop of PETERBOROUGH would not have risen, were it not for the appeal made to the Bench of Bishops yesterday, by the Noble and Learned Lord, who, notwithstanding the clearness with which he viewed every question, had declared he felt difficulties on the subject. He had never in his life entered into the examination of any question with more anxiety than he had as to whether the Divorce

Clause should stand part of the Bill. He was anxious that it should be omitted, although he had no doubts of the legality of the Clause. Divorces were consonant to the laws of God as well as the laws of man, where the crime of adultery was proved, and in the present case, he thought it fully established. The present Bill differed from ordinary Bills of Divorce, and this made him wish that the Divorce Clause should not be included in the penal enactments of this Bill of Pains and Penalties. He could not, however, comprehend how her Majesty should cease to be Queen of England, and yet remain the wife of the King. The wife of the King must, to all intents and purposes, be the Queen Consort, how could she be deprived of the title of Queen? The Divorce Clause made the degradation eligible, and without it he was at a loss to know in what the degradation could consist.

LORD REDESDALE was of opinion that the Divorce Clause should be retained; as its operation extended to the legitimization of children. If marriage were a mere civil contract, the parties might themselves dissolve it; but it affected others, and should thereby be considered, in a case like the present, with relation to such important consequences to society. If the clause were given up, he would be glad to know what was to be substituted; which would not have the effect of a Divorce, however it might be named?

THE LORD CHANCELLOR said, he had since yesterday considered the question of the Divorce most deeply, and he had attended to the observations of the Learned Prelates, to whom and to the House he thought it necessary to make an apology for the delay he had occasioned with the view of coming better prepared to give his own opinion. He was more and more induced by what had been recently said, to think that this case was one in which the State was concerned. In conjunction with his Noble Friend (Liverpool), he had pledged himself not to press the clause, if there seemed to be a strong impression against it in the House. There having appeared some religious doubts upon the subject, he should act conformably with his former declaration, although he confessed that he thought it more advisable to adopt the clause. Marriage was, in his mind, a religious contract, a civil contract, and a vow. It was, therefore, of the utmost consequence, that there should exist in the House no dissension with respect to it. The fact of its being a civil contract, was, perhaps, owing to its being a religious one. If their Lordships should think proper to omit the Divorce Clause, another enactment must certainly be introduced of a similar tendency, otherwise the parties would be bound together perhaps more closely than ever. It would be necessary to enable men to know what the Act was; for which purpose terms and language should be adopted, which would not operate on the Bill upon the omission of the clause.

THE MARQUIS OF LANSBOWNE protested against the recognition of any principle which permitted a woman to exist as the wife of the King, without being the consort of the realm. He felt the objections made by some of the Learned Prelates, but he could not shut his eyes to the great State objections to their view of the question. A

wife, under such circumstances, was irreconcilable with the spirit of the British Constitution, and could not answer any of the purposes for which she was intended, or to confer any of the advantages which the people had a right to expect from the wife of the King. Their Lordships having read the Bill a second time, and now omitting the Clause of the Divorce, would prove to the country that they had an opinion that her Majesty has committed adultery, but that she was fit to continue the wife of the King. Could that be a matter of indifference to the country, which had been in the habit of considering the marriages of its Kings as contracted for great purposes, a measure of expediency, and to which the nation was to look up for important consequences? By degrading the Queen and not divorcing her, the country would be deprived of the source of its high expectations. The question now was, whether the clause was not an inherent part of the Bill. It appeared to him to be a necessary deduction, and if their Lordships left it out, they would add one more anomaly to the many anomalies that had appeared in the course of this strange proceeding. They would have before them one who had been accused of committing adultery while Princess of Wales; who had become Queen; and in that character had not committed that crime, and had ceased to be Queen, and still remained the wife of the King, at the same time, remaining capable, although convicted by their Lordships of adultery, of succeeding to the Crown; so that the country would have a degraded person capable of succeeding to that most important of situations, Queen Regnant; and still, by their Lordships' vote, guilty of adultery, a thing which, if hypothetically advanced at any previous period, would have been laughed at.

Lord KING said he felt himself in a situation of rather an extraordinary kind upon the question, and the House, in his view, fully participated with him in that feeling. There had been a confusion of opinions amongst the Ministers, there had been a confusion of opinions amongst the lawyers—(A laugh)—and a confusion of opinions amongst the Learned Prelates—(hear.) Upon this Clause there were scruples, both religious and political, with respect to its probable operation. Certainly the scruples of the Learned Prelates must arise from religious considerations, and he regretted that amongst that learned body, the Fathers of the Church, there had not been a more decided conformity of opinion—(a laugh.)—He was extremely sorry that the Noble and Learned Lord on the Woolsack had not derived from those to whom he had looked with such confidence, information of a more convincing and enlightened character. That Noble and Learned Lord had, however, with a quickness somewhat extraordinary, collected from the conflicting sentiments of the Learned Prelates, a very clear idea of the necessity of the clause, although he had been so full of scruples the day before, as to beg that he might hear every thing before he gave his opinion. In looking to the question as it generally affected the Queen and the country, he could not help saying, that he was influenced by reports which had reached him at former periods respecting the conduct of the Queen. He confessed that he had the weakness to calculate



upon those reports. Indeed, it was impossible for him to have done otherwise; for, at the period to which he had alluded, it was said that the Queen had been guilty of the greatest indecencies, not with Bergami, but with other persons; that her Majesty, at Blackheath, had been guilty of indecorum with Lord Liverpool!—(Lord laughter);—and that she had played at blindman's buff with the Chancellor of the Exchequer!—(Continued laughter).—He (Lord King) could not refer to the exact period at which those extraordinary and indecent proceedings took place.

Lord LIVERPOOL.—“They never took place!”—(Hear.)

Lord KING.—“I cannot, I assure your Lordships, refer to the exact time, but it must have been, I think, when the Noble Lord was looking for *place*, before the Regency!”—(Laughter).

Lord LIVERPOOL.—“Never upon my honor!”—(Hear, hear, and loud calls of “Question.”)

Lord GREY said, that of the eight Learned Prelates who had spoken upon the merits of the Divorce Clause; four had given their opinions for the Clause, and four against it; and yet the Noble and Learned Lord on the Woolsack was quite satisfied to rely upon the opinions of all, as an argument for his approval of that upon which had existed such difference of opinion. But the Noble and Learned Lord had a particularly happy facility of striking light out of confusion! (A laugh).—If he, Lord Grey, had voted for the Bill, he should certainly have no hesitation in voting for the Divorce Clause, for it could not be consistent with the dignity of the Crown, that a Queen who was degraded for Adultery, by Act of Parliament, should remain the wife of the King. But he felt differently from those who were hesitating upon the propriety of voting for the Clause, and who had acted upon the supposition of the truth of charges which had not been established by proof. His inclination was, he had admitted, to vote for the Clause; but he should do so but upon one principle, which was, that the passing of the Clause would lead to the first rejection of the odious measure altogether.

Lord DONOUGHMORE declared that with respect to every part of the Bill, he retained all his former sentiments. If that Clause were not carried, he wished to know what Ministers intended to substitute? Would they not be compelled to introduce a new Bill, and no new proposition had been suggested which was likely to supply the place of that, the whole of which would be given piecemeal?—(A laugh.) He was determined to advocate the Clause, or what could be done with the Bill?

Lord ELLENBOROUGH begged the House would consider what they were doing when they were deliberating upon the question of giving up the Divorce Clause. If they passed the Bill without that Clause, they would be declaring that the Queen was too bad for the State, but good enough for the King!—If they omitted the Clause and passed the Bill, their Lordships would be publishing a seditious libel against his Majesty!

Lord SOMERS said, it was needless for him to state, after what he had already said, that he was most anxious that this Bill should pass.

He could not reconcile it to his conscience that the Queen should be deprived of all her rights, and still remain tied and fastened, like a mill-stone, round the neck of the Sovereign.

Lord LIMERICK said, it was known to their Lordships that he had voted for the second reading of the Bill. If their Lordships did not pass it with all its enactments, the King, and what was of more consequence, the Nation, would be degraded by having at its head a woman who was unworthy to remain at the head of female society!

The Earl of CARNARVON said, if the Noble Lord (Lauderdale) who had pitted that side of the House, and taken his seat on the cross-bench, and who, in a most eloquent pleading, had spoken for the Bill, had displayed the same talent against it, he believed it would not have reached its present stage.—There appeared to him one consequence of passing this Bill, which had not been adverted to. If a Bill of Degradation and Separation was passed, without a Divorce, then the law which made it High Treason to violate the Queen Consort would be evaded; for, though you degraded the Queen, she might still remain in England, and live in the open indulgence of that vice of which she had been accused; and yet she would still remain the mate and wife of the King, and could not be punished for it. The separation and divorce must go together. For if they degraded the Queen, without divorcing her, they were declaring that, although she was the most worthless of her sex, there was one individual in the country who must still remain her mate! He, for one, would raise his voice to save the Crown from such degradation.

Lord HOLLAND was unwilling to detain their Lordships by remarks he had to make. The Noble Lord, on the cross-bench (Lauderdale) had alluded to the powerful phalanx formed on his (Lord Holland's) side of the House. The Noble Lord had felt gratified that the Rev. Bench of the Bishops were divided; and he could now add to his gratification, by assuring him, that he and his Friends were also divided on this question—(hear, hear, hear.) His Noble Friend near him, who had just sat down, appeared to him to mistake the law of Treason, as applied to the subject. He apprehended that, if the Divorce Clause was not passed, but the Degradation only, the Queen, though no longer the Queen, would still continue the wife of the King, and that to violate her would still be High Treason. He would vote that the Divorce Clause should remain part of the Bill, although he still felt great objection to every other part of the Bill, and say Not Content to the third reading, whether the clause were retained or not.

The Earl of GLASGOW said, that being of opinion that the Queen had, by her conduct, cast an indelible stain upon her character, he had voted for the second reading of the Bill, not only with regret, but with satisfaction, and no consideration, whatever, should induce him to do that which in his conscience he did not believe to be right. He could make no compromise of adultery, and therefore he would vote for the Divorce Clause continuing part of the Bill.

Earl MANVERS.—My Lords, this Bill has my most entire and unqualified approbation with its present provisions; and, although I

should run the chance of the Bill being ultimately rejected, I could not consent to give up the most important part of it, and which is a necessary consequence of the preamble. After the perusal of the whole of the evidence, and after being alway at my post, I must declare that so far from considering her Majesty as the victim of a conspiracy, I feel convinced that her conduct has been degrading and scandalous, adulterous and infamous.

LORD FALMOUTH felt some reluctance in obtruding himself on the House; but his apology must be the sense of duty which he entertained. A Noble Marquis under the gallery (Buckingham) had stated, that it was a monstrous anomaly to strip the Queen of her rights and privileges and still suffer her to remain the wife of the King; but was there a Noble Lord present prepared to say, that there was a single woman in the country who had no civil, no private rights. One of the rights, and it was the right of every married woman, was her husband's protection! If their Lordships were of a different opinion, he should regret having suffered the Bill to reach its present state, without having declared his sentiments against it. A Reverend Prelate had said the King could do wrong: this was an axiom quite true in a legal sense, but common sense revolted at the idea of taking the assertion strictly according to the letter.—He would yield to no one in his attachment to his Sovereign in his public and political capacity; but he would neither be doing his duty to his Sovereign, nor to himself, if he did not also admit that the King had private rights and duties to perform as well as the meanest of his subjects!

LORD DARNLEY hoped that the limited phalanx who were opposed to the Bill in toto, supported as it had been by flying parties all over the House, would triumph at last. He never felt greater pride in his life than in being one of that phalanx. He was under the painful necessity however of differing with his friends, so far as to think that the Divorce Clause ought not to stand part of the Bill. He would state his reasons, in two words. The argument of the Right Rev. Prelate opposite (the Archbishop of Tuam) had not been answered; attempt had been made to answer it; he did not think it possible to answer it! Feeling irresistably the force of it, he could not consent to give a vote for the Divorce of the Queen.

LORD BELHAVEN said, that he agreed with the Noble Earl near him (Grey,) in thinking that if the Bill was to pass at all, the Divorce Clause must stand part of it. His Lordship begged to add a few words as to what had fallen from a Noble Lord in the Gallery (Lord Manvers,) respecting the the assertion of his Noble Friend (Lord Duncan) that her Majesty was the victim of a base and foul conspiracy. He hoped the day would yet come, when it would be laid open to the world, whether such a conspiracy did exist or not; but he would assure the Noble Lord that, to induce him to convict any one of the agents of the prosecution of being a party to conspiracy, he would require evidence ten times stronger than that on which his Lordship (Manvers) had ventured to pronounce so strong an opinion of her Majesty's conduct as he had done.

The calls of "Question!" now become general; and it was put by the Chairman—"Shall the Divorce Clause stand part of the Bill?" His Lordship declared that the Non-contents had it. A division was demanded.

The numbers were soon after announced to be as follow :

|              |     |
|--------------|-----|
| Contents     | 129 |
| Non-contents | 62  |

Majority for the Divorce Clause 67

At one o'clock the House adjourned, till to-morrow at ten o'clock.

### FIFTY-SECOND DAY—NOVEMBER, 9.

At ten o'clock the Lord Chancellor arrived.

Lord SHAFTESBURY brought up the Report of the Committee on the Bill for degrading and divorcing her Majesty.

The LORD CHANCELLOR then read the Report, stating to the House the alterations that had been made in the Bill in the Committee.

The Duke of HAMPTON apologised to the House for now offering a motion to its consideration, but he wished to offer an amendment upon the part of the Bill as now amended; and he should avail himself of the opportunity of taking the sense of the House upon the question. He then moved, "that that part of the preamble which stated that the adulterous intercourse had been proved be left out."

The LORD CHANCELLOR then read the following Report to the House, and pointed out the various amendments which had been submitted for their consideration, whilst sitting in a Committee:—

A BILL (as amended by the Committee) intituled, an Act to deprive her Majesty, Caroline Amelia Elizabeth, of the Title, Prerogatives, Rights, Privileges, and Exemptions of Queen Consort of this Realm; and to dissolve the Marriage between his Majesty and the said Caroline Amelia Elizabeth.

"WHEREAS, in the year One Thousand Eight Hundred and Fourteen, Her Majesty Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this Realm, being at Milan in Italy, engaged in Her Service, in a menial Situation, one Bartolomo Bergami, a Foreigner of low Station, who had before served in a similar capacity; And, whereas, after the said Bartolomo Bergami had so entered the Service of her Royal Highness the said Princess of Wales, a most degrading intimacy commenced between Her said Royal Highness and the said Bartolomo Bergami; and her said Royal Highness not only advanced the said Bartolomo Bergami to a high Situation in her Royal Highness's Household, and received into Her Service many of his Relations, some of them in inferior and others in high and confidential Situations about her Royal Highness's Person, but bestowed upon him other great and extraordinary Marks of Favour and Distinction, and conferred upon him a pretended Order of Knighthood, which Her Royal Highness has taken upon herself to institute, without any just or lawful Authority: And, whereas, also her said Royal Highness, whilst the said Bartholomo Bergami was in Her said Service, further unmindful of her exalted Rank and Station, and of her Duty to your Majesty, and wholly regardless of her own Honour and Character, conducted herself towards the said Bartolomo Bergami both in Public and Private, in various Places and Countries, which her Royal Highness visited, with indecent and offensive Familiarity and Freedom, and carried on a licentious, disgraceful, and adulterous

Intercourse with the said Bartolomeo Bergami, which continued for a long period of Time, during her Royal Highness's Residence abroad; by which Conduct of Her said Royal Highness, great Scandal and Dishonour have been brought upon Your Majesty's Family and this Kingdom; Therefore, to manifest our deep Sense of such scandalous, disgraceful, and vicious conduct on the part of her said Majesty, by which she has violated the duty which she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this Realm; and to evince our just regard for the dignity of the Crown, and the honour of this nation; we, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, do humbly entreat your Majesty that it be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that her said Majesty, Caroline Amelia Elizabeth, from and after the passing of this Act, shall be and is hereby deprived of the title of Queen, and of all the prerogatives, rights, privileges, and exemptions, appertaining to her as Queen Consort of this Realm; and that her said Majesty shall, from and after the passing of this Act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them; and moreover, that the marriage between his Majesty and the said Caroline Amelia Elizabeth be and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever."

After having read through the whole, his Lordship put each separate amendment from the woolsack, and every one was passed *unanimously*. When the Lord Chancellor came to the word "the," which stood in the original preamble before the words "various places and countries which her Royal Highness had visited."

Lord ETTENBOROUGH rose and said, my Lords, we have been given to understand by his Majesty's Ministers that some important alterations and modifications were to be made in the preamble of this Bill, after the second reading; and I am of opinion that the communication so made to the House had the effect of inducing many of your Lordships to vote for the Bill going into a Committee. Of my own personal knowledge, indeed, I can assert that several of my Noble Friends would not have voted for the second reading of the Bill, if such an understanding had not existed; now, my Lords, I will ask what are the important alterations and modifications which have taken place since the second reading? The omission of the letters T. H. E. It is impossible, now, that the Noble Lords, who were so enwrapped into a second reading, can be induced to vote for the third. They have voted against the divorce clause; and now that this is attached to the Bill, they must with a common regard for principle and consistency, vote for throwing out the Bill altogether.

The Earl of LAUBERDALE, after some prefatory observations, said—I am aware, my Lords, of the trick and manœuvre which were played off yesterday by certain Noble Lords, in voting in favour of the Divorce Clause, for the purpose of throwing out the Bill, when it should be submitted to your Lordships for a third reading. The conduct of the Noble Earl (Grey) at the head of the phalanx, who played off this extraordinary and inconsistent manœuvre, has sur-

prised me beyond expression. Was it worthy in the Noble Lord to descend to such mockery, in his opposition to the measure before your Lordships? He thought, without doubt, by having recourse to such manœuvre, that although he had failed in a straight-forward and dignified position, he should succeed by adopting this contemptible manœuvre; but the flagrant inconsistency of voting for part of a measure, when the Noble Earl had made up his mind to oppose the whole was not the sort of conduct which I had been led to expect from his Lordship; and I should feel wanting in my duty to this House if I did not rise in my place to expose it.

Earl GREY—I rise, my Lords, to repel the gross, unfounded and calumnious attack of the Noble Earl who had just addressed your Lordships—(*loud cries of hear, hear.*) I say unfounded and most calumnious, and I am persuaded that such insinuations should not have proceeded from that quarter. The Noble Lord must have known me better than to suppose me capable of any unworthy trickery or manœuvre in opposing any measure, and I hope the House will do me the justice to believe, that I would not stoop to such means, even in my opposition to a measure marked with the most disgraceful and disastrous consequences. That the Noble Lord should charge me with trickery, every one of your Lordships will do me the justice to declare, was not only unfair, but that the charge itself was completely false, for in the speech I made here yesterday, I publicly avowed my reasons for voting for the Clause of Divorce against her Majesty, forming part of this Bill of Pains and Penalties. I declared my thorough conviction that if the Clause remained attached to the Bill, upon the third reading it would be rejected altogether. Was there any thing like trickery or manœuvre, my Lords, in this declaration? I have always desired to stand well in the opinion of this House. Some of your Lordships may not have approved, of my public conduct, in opposing his Majesty's Ministers, and especially in this measure; but I have never given a vote upon any occasion, which has not arisen out of a perfect conviction of its justice and propriety. In the present affair, every thing that I have seen, all that I have heard, all that I have read, and each day's proceedings in this House, have convinced me more and more of the injustice and great danger with which it is fraught. After what had been said by some of the Bishops, as to there being no religious reasons against the retention of the Clause, I might, certainly, have voted upon their opinion without incurring the charge of trickery or manœuvre; and if the allegations of the Bill had been proved, and his Majesty stood in circumstances which entitled him to relief, I should have voted for the Bill altogether; but I declared unequivocally and openly that my reason for voting as I did, was for the purpose of getting rid of this fatal measure. The manœuvring, my Lords, was not on one side of the House, but on the other. The trickery was not the offspring of the opposers of the Bill, but of its promoters and supporters. Where are we to look for the modifications of the Bill promised by Ministers, and which induced many Peers to vote for a second reading? They would not have voted for the Bill if they

had not been told that the penal enactments were to be modified. If there has been any trickery, it was on the part of the nine Cabinet Ministers, in carrying the second reading, upon the support of certain Noble Lords, who had placed faith in the promises of the Noble Earl (Liverpool), but who now find themselves deceived, after the declaration that the Bill would be materially modified in the Committee. If trickery has existed, it was in the Noble Lords who canvassed for votes to carry this measure, and not in a fair, open, and conscientious opposition to that which I am convinced, and which has been asserted in another House, to be derogatory to the honour of the Crown, injurious to the best interests of the country, and subversive of the morals of the people.

LORD LAUDERDALE explained, and said, nothing would have given him greater pain, than to have used epithets towards the Noble Earl (Grey), which he might think tended to operate injurious to his character, which no man more respected than he did. He did use the word trickery and manœuvre, but he never meant that it was *unworthy* trickery, as the Noble Earl had stated, but Parliamentary manœuvre, which had before been frequently played off in that House, and was to be expected on the present, as well as on other occasions; but he thought it would fail of its purpose in the Bill before the House, and he thought it his duty to expose it.

LORD LIVERPOOL said, that if there had been serious religious objections to the Divorce Clause, he had said from the first, that he should not press it, and as he found some objections to it, he opposed that clause, and it was not his fault that it was not omitted in the Committee.—(*Hear, hear.*)

LORD ELLENBOROUGH said, that those Bishops and Peers who had voted against the Divorce Clause, could not now vote for the third reading of the Bill, nor could they go away, and not vote at all—(*Hear, hear.*)—for if they thought the Divorce Clause an improper and unjust measure, and contrary (as they have said) to the law of God, it was their duty to prevent its passing: it was not only their duty *not* to join in an act of such a description, but it was their bounden duty to oppose its being carried.—(*Hear, hear, and Cheers.*)

THE LORD CHANCELLOR called their Lordships' attention to the question before them. It was merely "shall the word *the* form part of the Bill?" His Lordship then declared that he never had used any trickery to obtain the second reading of the Bill, nor ever would act in any way unworthy, to obtain the passing of a measure that he was not convinced was in every respect just and proper.—(*Cries of Hear, hear.*)—He had understood that there were religious scruples existing against the Divorce Clause, and he yielded to them; he believed they were prejudices founded on error, though he so yielded.—His Lordship then put the question from the Woolsack, that the word "the" be expunged from the Bill, and it was carried.

The Duke of HAMILTON again offered himself to the notice of the House, and moved for the expunging the following words from:

the Bill: "and carried on a licentious, disgraceful, and adulterous intercourse."

LORD LAUDERDALE thought the Noble Duke had better move to leave out the word *adulterous* only, for if the word *intercourse* was taken out, the sentence would be ungrammatical and incomplete; if that was done, he should then propose an amendment.

THE LORD CHANCELLOR said, that an amendment had been put into his hands.

LORD LAUDERDALE moved, that the following words, which were rather ambiguous, should be left out—"which continued for a considerable period of time during her Royal Highness's residence abroad."

LORD LIVERPOOL admitted there was some ambiguity in the words, and did not object.

THE LORD CHANCELLOR said, that when there was an allegation of a single act of adultery in a Bill, it was necessary to name time and place, and in this Bill he thought some time should be mentioned in the Preamble.

LORD LIVERPOOL said, that the words "which continued for a long period of time," should only be omitted, for if the whole of the words were omitted, it would not appear that the adultery was committed *abroad* on the face of the Bill.—(*Hear, hear.*)

LORD HARNOWBY said a few words on the subject of an amendment.

LORD LAUDERDALE withdrew his motion, to allow Lord Harnowby, on the third reading of the Bill, to introduce a motion that the words "which continued for a long period of time, during her Royal Highness's residence abroad," be omitted, and in their place be inserted, "which continued for some time during her Royal Highness's residence out of this realm."—Ministers gave an understanding to the House, that the above motion should be proposed on the third reading of the Bill.

LORD FITZWILLIAM said, that the adulterous intercourse which was alleged to have been proved, (for it was not proved to his satisfaction,) was confined only to the year 1817, and therefore it should be stated in the Bill, that "Her Royal Highness committed adultery, or carried on an adulterous intercourse in the year 1817, out of this realm."—He thought this the most proper amendment.—(*Hear.*)

LORD CARNARVON moved, that a clause be added to the Bill, "that on her Majesty's arrival in this country, she was offered 50,000*l.* a year of public money, by his Majesty's Government, to remain abroad, and that she refused it, and also the homage of both Houses of Parliament." His Lordship said, that it was true a treaty was entered into between his Majesty's Ministers and her Majesty, to which that House was no party; but so it was, and her Majesty had rejected it, without her innocence being acknowledged.—(*Hear, hear.*)

The motion was put, and negatived without a division.

LORD KING moved, that the following words do form part of the Bill, and follow the word *abroad*; "That whereas certain Com-



missioners were appointed to proceed to Milan, to inquire into the conduct of her Majesty, among which number was one Vilmercati, and that the said Commissioners did collect together a heap of falsehoods, scandal, and lies, and were guilty of subornation of perjury, by which conduct, great dishonour and scandal has been brought upon your Majesty's family and this kingdom; and in lieu of the words, 'that her said Majesty Caroline Elizabeth Amelia,' the following words be inserted in the Bill, 'that the said Commissioners from and after the passing of this Act, be for ever rendered incapable of holding any situation of honour, profit, or emolument under his Majesty's Government.' (*Cries of hear.*) The Noble Lord said, that if this motion was carried, the Bill would still be one of 'Pains and Penalties,' [*Hear, hear.*] but the punishment would be fixed on the right object. [*Hear, hear, and Cheers.*]

The motion was put, and negatived without a division.

The Report of the Committee in its amended form was then adopted, and ordered to be engrossed. The House then adjourned till ten o'clock to-morrow.

#### FIFTY-THIRD DAY.—NOVEMBER 10.

The order of the day was then read for the Third Reading of the Bill of Pains and Penalties.

When the LORD CHANCELLOR had put the question for the Bill to be read the third time.

The Earl of MORLEY rose and said, that he thought the Ministers had acted very properly, in the first instance, in bringing the present question before their Lordships; and he must confess that he was of opinion that the present mode of proceeding was the most wise and just towards her Majesty, to establish her guilt or innocence; he was not satisfied, however, with the evidence which had been brought forward to prove the charges against her Majesty.—He had carefully attended the whole proceedings, and found that there was not any positive evidence, but merely inferential. It was highly remarkable, that no precise time or place had been stated in the evidence as to the fact of the commission of adultery between the Queen and Bergami, during the whole space of six years, in which it was alleged the adulterous intercourse had continued.—He thought that it would be contrary to the spirit of English Justice, to admit inferences of guilt from such questionable evidence, and no man of common understanding could help being struck with the fact, although the Bill embraced a period of time not less than six years, yet the proof of alleged improper conduct was confined to the short period of six weeks in the evidence produced at their Lordships' Bar. His Lordship then cited the opinion of some Peer, declared in that house, (as to the necessary evidence to prove adultery), in the year 1818. His Lordship could not justify the conduct of her Majesty; but it did not follow, that because he condemned her conduct, he was to approve of a Bill of Pains and

Penalties, to punish for an offence that could not affect the safety of the State or the succession. He felt an internal objection against *ex post facto* laws of every description, and to whomever applied; it was impossible for any person to attempt a justification of them, except under the most extreme and particular circumstances. The Noble Lord made some further observations, but they were delivered in so low a tone of voice, as not to be heard below the Bar.—He concluded by stating that after the most careful investigation of the subject, he should vote against the third reading of the Bill.

Duke of BEDFORD, My Lords, I feel extremely unwilling to offer myself to the notice of the House, upon this momentous question, and I must confess that this unwillingness is not diminished by the strong impression that compels me to express my most decided and conscientious disapprobation of this measure. Independent my Lords, of the defect of evidence, which, of itself, would lead me to dissent to the Bill, I cannot fail to view it also, with reference to its political bearing, and to the effect which the agitation of such a measure is calculated to produce upon the country: and upon this point I must express my fullest concurrence in the sentiments avowed by the House of Commons, that such an inquiry as we have lately witnessed was derogatory to the dignity of the Crown, and injurious to the best interest of the empire!—(Loud cheers.)—Should the Bill unfortunately receive the sanction of your Lordships, it cannot fail to affect injuriously the dignity of this House, as it must also endanger the tranquillity of the State. When the House divided upon the divorce clause, I could not bring myself to vote for it, because feeling a repugnance to sanction the measure in its collective shape, from a conscious conviction that the allegations contained in the preamble of the Bill, *have not been proved*, how could I, my Lords, vote for that especial clause which denounced the severest punishment for the very crime imputed, and of which I did not think her guilty?—*Hear.*—How could I, under such an impression, give my consent to a proposition which must have the effect of dishonouring her Majesty? I confess that I felt some surprise at the conduct pursued by his Majesty's Ministers upon that point, at seeing them consent to the mutilation of their own Bill, and to the severance of the most operative clause, and that which alone conferred upon the Bill the semblance of judgment: for if they, as their votes implied, were convinced of the Queen's guilt, they ought to have maintained the measure of a divorce as an almost necessary consequence. I do not mean, my Lords, now to enter into a review of the evidence, but I cannot, avoid expressing my surprise at hearing the Noble Earl at the head of his Majesty's Government resting his conviction of the Queen's guilt upon the evidence of Dumont, as if the testimony of so pure a witness were synonymous with truth. (*Hear.*) I know not my Lords, by what perversity of judgment the Noble Earl could imagine that Dumont's testimony was confirmed by that of Dr. Holland. To my understanding the contrary seemed to be the fact, nor am I aware that any part of the evidence subsequent to her's, tends to restore her credibility. Many parts of her Majesty's conduct appears

to me to have been treated with ill-timed severity, in particular the comments of the Noble Earl opposite, upon the circumstance of her Majesty's having borne part in a scenic representation seem not to have been justified by the nature of the transaction. Nothing is more common than for persons of the highest rank to represent the dramatic personages, in private theatres, and who has ever thought of breathing calumny upon their names, or of imputing to the individual in the relations of private life any principle or attribute which might have distinguished the fictitious character? But after the very able and eloquent comments made upon the evidence, as well by the Counsel at the bar, as by your Lordships, it would ill become me to occupy more of your time by entering at great length into the details of this subject. I cannot, however, but remark, that from the circumstances which have transpired respecting the manner in which evidence in support of this case was sought to be acquired, your Lordships ought to view every part of the case for the prosecution with suspicion.—(Hear).—Look to the manner in which the Princess of Wales was treated, surrounded by spies and picklocks, even at the moment that they abused her hospitality!—[Loud cheers.]—Your Lordships must further observe, that although the allegations of crime covered at first an extent of *six years*, not an iota of evidence has been brought to affix the stain of crimination, or even a charge of indiscretion, to the last. The Queen has been charged with familiarities towards her servants. If that be a crime, the guilt is not confined to her Majesty. Numerous instances may be found of Kings and Queens condescending to familiarity with their immediate attendants. The House ought to hesitate before it will give its sanction to a measure so anomalous.—The King himself, at the head of the State, is the avowed prosecutor in the case; the King's Ministers impel the prosecution in his behalf, and at the same time, with the King's household servants, sitting on the trial as judges and jurors! Among these jurors are also to be found the brothers of the King; but far be it from me, my Lords, to impute to any of these any other than honorable views and conscientious motives. This, however, does not diminish the manifest anomaly that prevails throughout the whole case. "I shall," said the Noble Duke, "trouble your Lordships no further, but I must say, my Lords, having paid great attention to the evidence, that I could say conscientiously, if called upon, from the bottom of my heart, Not Guilty, upon my honour. So much for my judicial capacity; but looking at it in a legislative capacity, I feel bound, in honour to myself, King and country, and in justice to the Queen, to say *Not Content*.—(Loud Cheers.)

The LORD CHANCELLOR stated, that he had from the first said, that every Peer in the House ought to be satisfied that there was not only moral conviction of her Majesty's guilt, but legal proof. A Committee had a right, when a Bill was before them, to cut down the extent of the proof: and, therefore, when it was in the Committee, it

was proposed that the divorce clause should be expunged. He had left his mind open during the whole stage of the proceedings, and he had resolved to give way to those arguments and that evidence which should convince his mind of the guilt or innocence of the accused. He begged to remind their Lordships of the impressions upon his own mind, which were, that they could not as jurors, decide upon the guilt of her Majesty, if they were not perfectly convinced that there was legal proof; that is to say, legal presumption (for in a case, of this kind legal presumption must be admitted) of her guilt. His Lordship here adverted to what had been said in that House, as to circumstantial evidence, in cases of murder, by way of establishing the analogy of the evidence in the two cases. The first thing which the jury did, or ought to do, was to decide if the fact charged had been actually committed. The whole conversation, and the acts of the accused, were evidence of guilt or innocence. So in this case, their Lordships, in the absence of direct legal proof, could only infer the fact of adultery from the circumstantial evidence, the acts and conversation of her Majesty. His Lordship adverted to a particular case of murder, where A. B. was charged with the murder of C. D. who was shot in the head, but upon extracting the ball from the head of the deceased, and putting the hair, which was matted with the coagulated blood, into water, the hair opened, and a piece of paper, which had been used in loading the piece, by which the deceased had been destroyed, was found; and upon further investigation, the paper was found to be part of a ballad, and the corresponding part of it was found in the pocket of the person who was suspected of having committed the murder.— Here was no direct legal proof of the murder against the accused; but it was a strong fact, from which guilt was to be inferred. His Lordship stated, that in the absence of direct proof, legal proof was to be found in the presumption of guilt, framed upon the legal and ordinary rules of evidence. His Lordship appeared somewhat agitated at this part of his subject, but shortly recovered himself, and declared that although he should not then say any thing about his conscience, he must declare in justice to his own character, that he should not vote for the Bill, unless he was satisfied that there was sufficient legal proof of her Majesty's guilt. A great deal had been said against him, but regardless of public observation he should decide according to the firm conviction of his own mind. After a most painful, long and tedious investigation, he should conclude by saying that he must vote for the passing of this Bill, and indeed if he preferred the legal presumption of guilt in this case, as grounds for a verdict of guilty, he did not know how he could atone for decisions in his former life, founded upon evidence of this nature.

The Bishop of CHSTER said, that he had felt himself solemnly called upon to express his opinions against the Divorce Clause on a former occasion, and he must state to their Lordships that he still felt serious objections existing against it. He could not, however,

sit down without expressing his abhorrence of the improper use which had been made of the King's name during the painful proceedings which he had been compelled to witness. One person had said, that had he been Archbishop of Canterbury, he would have thrown the Prayer Book in the King's face, and another person had compared his Majesty to one of the vilest tyrants that ever reigned in the worst ages of degraded Rome. It was impossible for him to sit in that House and hear such language, without declaring before their Lordships, that it was the most disgusting to his mind, and that it ought not to have been used on any occasion.—He must here express his decided opinion, and he sincerely believed that it was one not to be disputed by any man; that the period, during the Regency of his present Majesty, was one in which England stood proudly pre-eminent; and in the future History of this country would be recorded as the most glorious epoch of our country's existence. He concluded by saying that he could not vote for the Bill because it contained the Divorce Clause. He should not vote against it; and therefore, when the question was put he should retire and give no vote at all.

Lord GROSVENOR explained his assertion as to what he would have done had he been Archbishop, and if the King had proposed to him to erase her Majesty's name from the Liturgy, before there was proof of her guilt, and concluded by stating, that he was not satisfied of the guilt of the Queen, and should therefore give his most hearty vote against the Bill.

Lord ERSKINE begged leave to occupy the time of the House whilst he entered into a short explanation, to show the necessary evidence to constitute legal proof. He felt this to be necessary, after what had fallen from the Noble and Learned Lord on the woolsack. His Lordship entered into some ingenious arguments to show that there was, in this particular case, no legal proof of the guilt of her Majesty, and concluded by saying, that he would take that opportunity of assuring the House of his intention to give an unqualified vote against the third reading.

The Marquis of HUNTLEY said, that he was one who believed her Majesty was guilty. The evidence of Lieutenant Hownam had alone convinced him upon that subject, and those Noble Lords on the other side, who expressed the contrary opinions, he hoped were sincere; and he also hoped that they would not have to accuse themselves of having acted in such a manner as to set a bad example to their wives and daughters, *hear, hear, hear, loudly*, which was joined in by the Duke of Clarence.) He felt satisfied of the Queen's guilt, and should vote for the Bill.

The Marquis of DONEGALL gave his reasons for voting against the Bill. He could not give credit to the evidence, for Majocchi and Dumont contradicted each other; and all the rest of the evidence was suspicious. He thought every man ought not only to be satisfied of her Majesty's guilt, but of the expediency of the present measure, before he voted for the Bill. he did not think it expedient and should vote against it.

The Bishop of GLOUCESTER had expressed his opinion already upon the Divorce Clause and as it formed part of the Bill he could not vote for the third reading ; as he considered it contrary to the law of God, he should not, he felt, discharge his duty, did he not vote against it. He was satisfied that a degrading familiarity had taken place between the Queen and Bergami ; but he could not vote for the Bill for the reasons he had assigned.

Lord ANVALNY was opposed to the third reading on constitutional grounds, he was not satisfied of her Majesty's guilt, nor was the measure expedient in his opinion.

Lord ELLENBOROUGH said, that the evidence of her Majesty's guilt was to be found in her defence ; and though, upon general principles, he thought persons ought not to decide upon the guilt of an accused, having only heard part of the proceedings ; yet in this particular case, an exception might be fairly taken, as the guilt of the Queen was not relied upon, or so clearly proved by the evidence for the prosecution, as by that for the defence.

The Earl of DARNLEY protested against the Bill, amid loud cries of Question.

At 20 minutes past One o'clock strangers were ordered to withdraw — but nearly half an hour elapsed before their Lordships divided, At Two o'clock the numbers were declared to be

|                       |     |
|-----------------------|-----|
| For the third reading | 101 |
| Against it            | 92  |
| Majority              | 9   |

This division was received with the loudest cheers from the Opposition benches, as soon as silence could be restored.

Before the question was put that this Bill be read.

Lord LIVERPOOL rose and addressed the house as follows :—My Lords, if such a division had taken place on this occasion as took place on the second reading of the Bill, from the incontestible proofs before the House, I should have considered it my duty to have sent this Bill down to to the House of Commons. As, however, there is but this majority on the third reading. I think it proper now to move, that this Bill be not read now, but read this day six months.

The Duke of MONTROSE then rose, and, as soon as he could obtain silence, he declared in the most solemn manner, that he had given his vote for the third reading of the Bill on the clearest and most conscientious conviction of the Queens guilt. He should therefore oppose the Noble Lord (Liverpool's) motion.

Lord GREY then rose, and inveighed in bitter terms against his Majesty's Ministers for placing and keeping the Country so long in a state of agitation.

The question was then put from the Woolsack, that the Bill be read this day six months, which was carried without a division.

The loudest and most enthusiastic cheers burst immediately.—Adjourned.

FINIS.



